

1. Provide by Wednesday (5/2/18) at 10pm any amendments, additions, removals of code language you plan for action taken during our CodeNEXT deliberations.
2. Mark a simple "x" in the column labeled "A" if you have no exceptions, minor (such as wordsmithing or something you believe is in line with Draft 3 but only slight differentiation) or major (departure from Draft 3 intent or character). I recognize this is somewhat subjective between minor and major, such as suggesting a small height or setback change that may be small in number that in actuality may be viewed by some as major change. All will be discussed regardless and this is simply an initial organizational tool.
3. Mark an "x" under your name in column "B".
4. Under "C", include the most simple identification that can organize code discussions during our deliberations. For Example, "Parking, Compatibility, Environment, ADU, Form, Admin, Mapping, Flooding, Uses, etc."
5. If you need staff available related your questions, concerns, proposed amendments that authored related code text, please mark a YES/NO under column "D" so that I can notify Director Guernsey provide necessary
6. Under column "E", if your proposed comments, questions, concerns are general or broad in nature, mark an "x" in the "General" column. However, it is critical for our efforts to identify, as specifically as possible, which section of code you are addressing with your comments. If you must identify the whole division that is understandable, however as we organize any potential motions using specific code sections will be most beneficial to our efforts. In doing so, you will allow the opportunity to see if there are similar offerings for consideration. In addition, you will give me better support to organize our deliberation efforts most efficiently. There may be instances where potential draft changes extend to other sections of code or are contingent upon specific information included in other sections. Please utilize the Notes column as much as needed to describe your intentions. This can help fellow commissioners understand your suggested changes or questions and thereby reduce additional discussion time during our deliberations.
7. Utilize column "F" for specific draft code you propose related to that section.
8. This spreadsheet format has been left editable. Obviously there will be the need to add rows between Divisions so that multiple sections can be addressed within the respective Division. It was not feasible to add all the sections within each division. Add as many rows between divisions as you need to address your full list. I will combine them together.

Consent
New Item (as of Monday 5/14/16)
Motion Reviewed/ Taken Action On
Motion Tabled
See Table Addendum for more information

CHAPTER ARTICLE	DIVISION TITLE	A			B												C	D	E		F	G			H						
		DESIRED PROPOSED CHANGES TO D3	NONE	MINOR	MAJOR	ANDERSON	HART	KAZI	KENNY	MCCRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	GENERAL	SPECIFIC SECTION	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO	STAFF RESPONSE		
<b>GENERAL</b>																							YES/NO								
	All Non 23-4 Divisions		x	x																				x		REDUCE LENGTH OF NON 23-4 SECTIONS BY 20%. CodeNEXT text is overly verbose, consistently difficult to understand. Master Editor should identify measures in Non 23-4 chapters to reduce extreme length to assist in achieving CodeNEXT goal for code simplicity.					
<b>Chapter 23-1: Introduction</b>																							YES/NO	YES/NO							
<b>1 Article 23-1A General Provisions</b>																															
1.1	Division 23-1A-1	Title, Purpose, and Scope																													
1.3	Division 23-1A-2	Authority	C	x																					23-1A-2030	(A) Effect of Land Development Code. The standards and procedures applicable to development of property within the City limits and within the City's extraterritorial jurisdiction are stated in the land Development Code (LDC) or technical criteria manuals as adopted per the provisions of the LDC, which shall control in the event of a conflict with a representation made by a City official or employee, either orally or in writing, or via a policy manual, summarizing, paraphrasing, or otherwise interpreting the that summarizes, paraphrases, or otherwise interprets the standards and procedures applicable to development.	This clarifies that the technical criteria manuals supercede the statements of city officials or employees.	Neutral			
1.4	Division 23-1A-3	Classification of Application and Decisions																													
2.6	Division 23-1A-4	Classification of Application and Decisions																							23-1A-3020 (C)Administrative Decisions (1)(b)	Move 23-1A-3020(C)(2)(c) to 23-1A-3020(B)(2)(e) and revise 23-1A3020(C)(1) (b) The authority to make administrative decisions is delegated to City departments and to boards and commissions, as provided in Article 23-1B (Responsibility for Administration). A public hearing is required for an administrative decision by a board or commission.	Section 23-2A-2010(A)(2) (c )has subdivisions as quasi-judicial approval, conflicts with 32-1A-3020(C) as administrative decision				
1.5	Division 23-1A-4	Consistency with Comprehensive Plan	C																												
1.7	Division 23-1A-5	Rules of Interpretation	C	x																					23-1A-5020 (b) (1)	Wherever possible, the Director shall have the authority to interpret this Title in a manner that gives effect to all provisions and wherever possible, shall avoid interpretations that render a provision of this Title in conflict with one or more other provisions.	Conflicts should be avoided whenever possible inside the LDC. This new language gives the director the authority to interpret the LDC to avoid any potential conflicts wherever possible.	Neutral			
<b>2 Article 23-1B Responsibility for Administration</b>																															
2.1	Division 23-1B-1	City Council	C																												
2.2	Division 23-1B-2	Boards and Commissions	C																												
2.3	Division 23-1B-3	Administration	C																												
2.4	Division 23-1B-4	Neighborhood Planning																													
2.5	Division 23-1B-4	Neighborhood Planning																								23-1B-4010	Neighborhood Contact Teams may submit plan amendments.	This should not be removed.			
2.7	Division 23-1B-4	Neighborhood Planning																							Yes	When PC first sees a new Neighborhood plan, or small area plan, etc., it is on the dias (or perhaps at SAP) where we are expected to give an up or down vote. There is no method for additional neighborhood feedback other than public hearing. The process should go to PC much sooner so we can provide early feedback.					
<b>Chapter 23-2: Administration and Procedures</b>																															
A.3.0.1	GENERAL	Administration & Procedures		x																											
<b>3 Article 23-2A Purpose and Applicability</b>																															
3.1	Division 23-2A-1	Purpose and Applicability																													



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				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION				
4.4	Division 23-2B-1 Application Requirements		X							Jsc												23-2B-1010 (b)	Replace with: The responsible director may adopt application requirements under this Section by administrative rule or by policy memo, and shall post required application forms and all relevant rules on the City's website.	This clarifies that directors are empowered to adopt application requirements and deadlines only through an administrative rule process, and not via policy memo. The administrative rule process provides due process for all residents and stakeholders.	No	Developing application packages and forms and incorporating content into an application should not be in the rules process. Establishing the minimum information required for a complete application might be an appropriate use of rules (or ordinances); however, the actual design of forms should not be held to the rules review process since the form or application should only be a reflection of requirements already established. The use of policy memos allows staff to make quick administrative decisions when required.	
4.5	Division 23-2B-1 Application Requirements									Jsc											23-2B-1030 Application Completeness (A)(4)(New)	Add (4): An application that has been submitted and not rejected as incomplete in 45 days shall be automatically approved under this section.	This would create certainty that applications that meet all requirements of completeness will be accepted				
4.6	Division 23-2B-1 Application Requirements									Jsc											23-2B-1040 Update and Expiration (D)(New)	Add new (D) "(D) If an applicant has submitted an application and subsequent updates but is unable to resolve outstanding comments after the third submittal, the City Manager shall require a meeting of all reviewers and the applicant to take place within 2 weeks following the third set of comments such that conflicting issues can be resolved in a timely manner"	If, after 3 rounds of comments, there is still conflict between departments, a meeting will help resolve and expedite the process for everyone, limiting staff time and developer costs	Yes			
4.7	Division 23-2B-1 Application Requirements									Jsc											23-2B-1050(B)(1)(d)(New)	Add (d): (d) the application is being delayed due to review by the legal department.	This section lists different reasons that a delay shouldn't lead to an application expiring. A common delay that isn't on this list is legal review. Because legal review is outside the control of the applicant, it makes sense to not having an application expire when the city legal department is reviewing it.				
4.8	Division 23-2B-1 Application Requirements									Jsc											23-2B-1060	Remove entire section (23-2B-1060) if an application expires, all other unapproved applications for that development, which are listed below the expired application under Section 23-2A-2010 (Order of Process), also expire.	There's no reason to have all other items expire when one does - effectively resetting something back to zero. Other applications may still be going through a normal due process.				
4.9	Division 23-2B-2 Review Procedures									Jsc																	
4.10	Division 23-2B-2 Review Procedures									Jsc											23-2B-2010 (A)	(A) The responsible director shall establish standards for complete staff review and comment within 21 days of the initial submission of pending applications, and within seven days for an updated application, including deadlines for issuing comments on pending applications for purposes of determining when an application expires under Division 23-2B-1 (Application Requirements)	This would add certainty to the development review process and ensure staff is meeting timely deadlines. The director should not be responsible for setting his/her own deadlines.	No	Review turnaround times are impacted by application volume and available resources. While turnaround times need to be established by a process that is vetted with stakeholders, these administrative issues were removed from Title 25 and moved into the criteria manuals to be adopted via the rules process. Adopting review times by rules preserves the stakeholder engagement component and provides staff with the flexibility to make adjustments based on the previously identified factors without having to initiate a code amendment.		
4.13	Division 23-2B-3 Fees and Fiscal Surety									Jsc																	
4.14	Division 23-2B-3 Fees and Fiscal Surety									Jsc											23-2B-2030(C)	Add (3) the improvements for which the fiscal surety esd posted are not constructed within ten years	This is current policy for improvements such as transportation improvements.				
4.12	Division 23-2B-2 Review Procedures									Jsc											23-2B-2050	"Add (E) All development assessments shall have an expiration dated 2 years after issuance of development assessment by City of Austin.  (F) Determinations or Code interpretations made at the time of a Development Assessment shall be upheld through the application review process for all project development applications so long as the initial application for development is submitted prior to expiration of the development assessment."	Uncertainty drives complexity and project cost, and having an upfront development assessment will significantly improve outcomes.				
5 Article 23-2C Notice																											
5.1	Division 23-2C-1 General Provisions																										
5.2	Division 23-2C-2 Notice Requirements																										
5.3	Division 23-2C-3 General Notice Procedures																										
5.4	Division 23-2C-4 Notice of Public Hearings																										
5.5	Division 23-2C-5 Notice of Applications and Administrative Decisions																										
5.6	Division 23-2C-5 Notice of Applications and Administrative Decisions															TS					23-2C-5010 (D)	(D) Action on Application. Unless otherwise provided by this Title, the responsible director may not approve an application for which notice is required under this section sooner than 14 30 days after the date that notice is provided.	Change to 30 days. 14 days is not enough time after notice issued for impacted parties to receive notice and respond. [This is process required by MUPs]	No	Staff is supportive of retaining the 14 days		
6 Article 23-2D Public Hearings																											
6.1	Division 23-2D-1 Conduct of Public Hearings																										
6.2	Division 23-2D-1 Conduct of Public Hearings															TS					23-2D-1010	Add: (A)(6) With approval of the chair, the order of presentation of those supporting and opposing the application or proposal may be modified to accommodate those present.	23-2D-1020: Suggest alternating between those opposed and supporting instead of allowing all supporting presentations to go first.				
6.3	Division 23-2D-2 Timing and Location of Public Hearing																										
7 Article 23-2E Legislative Amendments																											
7.1	Division 23-2E-1 Text Amendments																										
7.2	Division 23-2E-2 Plan and Map Amendments																										
7.3	Division 23-2E-2 2030 - Neighborhood Plan Amendment															TS					2030 - Neighborhood Plan Amendment	ADD: (L) CONVERSION OF NEIGHBORHOOD PLANS FUTURE LAND USE MAPS (FLUMs) No Neighborhood Plan Amendments will be amended until such time as the Land Use Department Director has converted Chapter 25 zones to new Chapter 23 zones within the land use classifications identified in the Neighborhood Plan FLUM.	Where there are conflicts with approved neighborhood plan and new zoning requirements, which takes precedent when and individual or entity requests an amendment?				

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				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION							
7.4	Division 23-2E-2 2030 -Neighborhood Plan Amendment		X								Jsc											Admin & Procedures			23-2E-2030	(...) (B) Applicability (1) Individual Property. A neighborhood plan amendment regarding an individual property may be initiated by: (a) The owner of the subject property; (b) The council; (c) The Planning Commission; or (d) The responsible director.; or (e) The neighborhood plan contact team for the planning area in which the property is located (...) (D) Meetings, Hearings, and Notice (...) (5) Responsibility for Cost of Notice (a) Individual Property (i) For a neighborhood plan amendment regarding an individual property, the applicant is responsible for the cost of notice, unless the applicant is a neighborhood plan contact team if the applicant is the owner of the subject property. (ii) If the applicant is a neighborhood plan contact team, the City is responsible for the cost of notice."	In this minor amendment to neighborhood plans, neighborhood contact teams should not be allowed to initiate the down zoning of specific parcels.			
7.5	Division 23-2E-2 Plan and Map Amendments		X								Jsc											Admin & Procedures			23-2E-2030 (K)	(K) Map and Filing Date. The responsible director shall establish a map designating the area of the City for which a neighborhood plan amendment must be submitted in February and the area for which an application must be submitted in July.	In this minor amendment to neighborhood plans, amendments may be submitted at any time, and not just one time per year. This once per year regulation creates an unnecessary burden on amending neighborhood plans.			
7.6	Division 23-2E-2 2030 -Neighborhood Plan Amendment		x														TS					Neighborhood Plan Amendments	NO		2030 -Neighborhood Plan Amendment (H)	(H) Director's Recommendation. The responsible director may recommend approval of the neighborhood plan amendment only if the applicant meets all of the following requirements: demonstrates that:	(H) Does applicant have to demonstrate that all conditions are met? If so, wording should state that.			
7.7	2030 (E) Pre-application Meeting										KM															... Application to amend a Neighborhood Plan or for a zoning change where a FLUM was not created but a neighborhood plan was adopted.	Some NP's do not have FLUMS and therefore are not currently entitled to a Pre-application meeting for a zoning change. The meeting is important especially when changing zoning to a more intense zone.			
8	<b>Article 23-2F Quasi-Judicial and Administrative Relief</b>																													
8.1	Division 23-2F-1 Variances and Special Exceptions		x								Jsc											Public Hearing and Notification	No		23-2F-1040(C)	(C) An administrative modification granted under Section 23-2F-2040 does not need a public hearing or public notification.	This proposed language clarifies that a public hearing and public notification is not needed for administrative variances since administrative variances are determined by the land use official, not the board of adjustments.			
8.2	Division 23-2F-1 Variances and Special Exceptions										Jsc																			
8.3	Division 23-2F-2 Administrative Relief Procedures																					Administrative Modifications			23-2F-2040 (B) (1) (a) (b)	The allowed modification should not exceed 2% for coverage, setback or height.	Condoned large errors. Designers should build in room for minor construction errors.			
8.4	2040										KM																			
8.8	Division 23-2F-2 Administrative Relief Procedures																					Nonconformity	No		23-2F-2030 Exempt Residential Uses and Structures	(A) Purpose. (1) This section authorizes the building official to issue a certificate of occupancy for certain noncompliant residential structures established before the effective date of this Title. (2) The purpose of this section is to avoid the unnecessary loss of residential housing opportunities available to Austin residents and reduce the costs to homeowners associated with remedying longstanding code violations which do not threaten public health and safety. (3) This section further seeks to minimize the costs to the City associated with enforcing residential code violations that predate the advent and implementation of electronic property records and tracking methods and that do not pose a threat to public health.	This section is a major shift from the current Land Development Code Amnesty Certificate of Occupancy (CO) provisions that will potentially have major impact. By restricting and limiting the exemptions for CO to only residential uses, many people will be unable to get certificates of occupancy for older commercial structures and thus will be unable to get financing to continue with the project (which requires a CO through the Amnesty program currently in place). The effect is that commercial properties will have to come into compliance with current code to get a CO, to do upgrades, tenant improvements, etc. This will be time consuming and expensive. Further, this could cause defaults under many financing documents.			
8.9	Division 23-2F-2 Administrative Relief Procedures																JT					Nonconformity	No		23-2F-2030 Exempt Residential Uses and Structures	(D) Status of Affected Properties. If the building official approves a certificate of occupancy under this section: (1) The structure becomes a nonconforming structure under Article 23-2G (Nonconformity), if the structure does not comply with applicable site development regulations on the date it receives the certificate of occupancy; and (2) The use becomes a nonconforming use under Article 23-2G (Nonconformity) if it is unpermitted in the applicable base zone on the date the structure in which the use or occupancy is located receives the certificate of occupancy.	This section needs to be rewritten. Under current Code, the general restrictions applicable to nonconforming uses and structures are limited to cases of noncompliance with zoning regulations. However, issues of nonconformity frequently arise in other contexts as well, such as where a structure does not meet current watershed or drainage regulations but did meet the regulations applicable at the time it was constructed. This section relates back to Article 23-G and this is another issue. By extending the concept of nonconformity to other site development regulations of the Land Development Code, besides just zoning district regulations, Article 23-2G clarifies staff's authority to limit modifications that increase the degree of nonconformity with other kinds of City regulations.			
8.10			x																							23-2F-2040(c)(2)	In Table 23-4F-2040(A), delete "Decrease in minimum open space adjacent to bus rapid transit (BRT) stations."	Imagine Austin calls for complete communities. Complete communities need open space near BRT stops, so don't allow it to be eliminated.		
8.11	Division 23-2F-3 Limited Adjustments																													

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8.5	Division 23-2F-2	2050 - Alternative Equivalent Compliance		x												TS				Alternative Equivalent Compliance	NO	2050 - Alternative Equivalent Compliance (C)	(C) Modification Thresholds (1) If the director finds that a request for an alternative equivalent compliance meets the criteria in Subsection (D), the numeric standard for the design feature listed in Table (A) (Types of Alternative Equivalent Compliance Allowed) may be modified by: (a) Up to 10 percent, for any design purpose; (b) Up to 20 percent, if necessary to protect an existing natural site feature; or (c) Any amount, if necessary to preserve a heritage tree.	Protection of natural site features and heritage trees is required. This will result in abuse.		
8.6		2050 - Alternative Equivalent Compliance		x											TS				Alternative Equivalent Compliance	NO	2050 - Alternative Equivalent Compliance; Table 23-2F-2040(A)	Remove from Table: Decrease in the minimum distance between a building and installed utilities, Modification of internal circulation routes, Decrease in minimum drive-through circulation lane width, Modification of building design standards, Modification of building articulation requirements, Modification of building entrance requirements, Modification of entryway spacing and location, Increase of the portion of open space above ground level that may be counted towards compliance, Decrease in minimum open space adjacent to bus rapid transit (BRT) stations	Too broad. Remove all items that are not specific enough to know affect of 10% reduction or that should be decided in consult with other departments.			
8.7	Division 23-2F-2	Administrative Relief Procedures		x						JSC									Alternative Equivalent Compliance	No	23-2F-2050(A)(2)	(2) Alternative equivalent compliance may only be used for development located in Mixed-Use, Main Street, Regional Center, or Commercial and Industrial Zones any Zone as authorized in this section, and may not be used to vary or modify zone regulations, such as height, setbacks, impervious cover, building coverage, or floor area ratio.	This proposed language allows alternative equivalent compliance in any zone. The City should support alternative equivalent compliance where appropriate as it encourages creative and original design and accommodates developments where particular site conditions or the nature of a proposed use prevent strict compliance with the code and therefore should be allowed in all zones			
9	Article 23-2G Nonconformity																									
9.1	Division 23-2G-1	General Provisions		x				CK											Rezoned Residential Non-Conforming structures	Yes - Brent Lloyd is working on it	in this division		TK from staff	This amendment ensures that any current single-family residential property owner who is rezoned under CodeNEXT does not have a reduction in available entitlements. They maintain their non-conforming (allowed, though not in compliance) and are not subject to the loss of their status through the usual mechanisms (vacancy, etc.). They are also able to maintain and even expand their structures as long as it meets F25 compatibility for their pre-CodeNEXT zoning. They do lose their status if they make an alteration either to the new, conforming use, or to a different non-conforming use.		
9.4	Division 23-2G-1	General Provisions		x															Rezoned Residential Non-Conforming structures	Yes - Brent Lloyd is working on it	in this division		TK from staff	This amendment ensures that any current single-family residential property owner who is rezoned under CodeNEXT does not have a reduction in available entitlements. They maintain their non-conforming (allowed, though not in compliance) and are not subject to the loss of their status through the usual mechanisms (vacancy, etc.). They are also able to maintain and even expand their structures as long as it meets F25 compatibility for their pre-CodeNEXT zoning. They do lose their status if they make an alteration either to the new, conforming use, or to a different non-conforming use.		
9.6	Division 23-2G-1	General Provisions								JSC									23-2G-1010 Purpose, Applicability, and Review Authority			23-2G-1010 Purpose, Applicability, and Review Authority	(B) Applicability. This article applies to: (1) A use, structure, or lot within the zoning jurisdiction that is nonconforming to land use or site development regulations under Chapter 23-4 (Zoning) or a separately adopted zoning ordinance; and (2) A structure or lot within the planning jurisdiction that is nonconforming to other applicable regulations of this Title.	This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of "nonconforming" must be in effect reviewed by the Planning Director and will ultimately go to BOA.		
9.11	Division 23-2G-1	General Provisions																	Nonconformity	Yes		23-2G-1010 Purpose, Applicability, and Review Authority		This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of "nonconforming" must be in effect reviewed by the Planning Director and will ultimately go to BOA.		
9.14		1010- Purpose, Applicability and Review Authority																	Non-conformity	NO		1010 (A) (2)	Delete	Too onerous		
9.7	Division 23-2G-1	General Provisions								JSC									Nonconformity	Yes		23-2G-1020 Nonconforming Status	(1) A building, structure, or developed area, including a parking or loading area, that does not comply with site development regulations applicable under this Title, or a separately adopted zoning ordinance, is a nonconforming structure if it existed lawfully, in conformance or legal nonconformance with applicable site development regulations, at the time it was constructed. (2) A building, structure, or developed area that is not a nonconforming structure is in violation of this Title if it does not comply with applicable site development regulations.	This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of "nonconforming" must be in effect reviewed by the Planning Director and will ultimately go to BOA.		
9.12	Division 23-2G-1	General Provisions																	Nonconformity	Yes		23-2G-1020 Nonconforming Status		This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of "nonconforming" must be in effect reviewed by the Planning Director and will ultimately go to BOA.		
9.5	Division 23-2G-1	General Provisions																	Nonconformity	Yes		23-2G-1050 (B)	Add section: (6) Conversion to Cooperative Housing. A nonconforming use operating within a multifamily building may be replaced by Cooperative Housing and allowed to expand or extend beyond the floor area that is occupied on the date it became a nonconforming use if: a) Cooperative Housing is allowed or conditional use within the zoning district. b) The responsible director determines that the new use meets the definition of Cooperative Housing in 23-13A-2030.	Coops work and must be allowed wherever possible		

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				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			
9.10	Division 23-2G-1 General Provisions		X							Jsc									Continuation of Nonconformity	No		23-2G-1050(B)(3) and (4)	(3) <del>Conversion to Other Nonconforming Use Prohibited.</del> A nonconforming use may not be established or replaced by another nonconforming use, except as provided in Subsection (B)(4).  (4) Conversion of Nonconforming Uses in Residential Buildings. A nonconforming use operating within a single- or multi-family any building may be replaced by another nonconforming use if:  (a) The responsible director determines that the requested use is of comparable or lesser intensity to the original nonconforming use; and  (b) The original use was not abandoned under Section 23-2G-1060 (Termination of Nonconforming Use).	This proposed language deletes Section 23-2G-1050(B)(3) and clarifies that nonconforming uses in any building can be replaced with another comparable or lesser intensity use. The city should allow a lesser non-conforming use be allowed anywhere, as it reduces intensity of the existing use while preserving the existing building.	No	Not necessary- nonconforming can already change to a permitted used in the zone
9.2	Division 23-2G-1 General Provisions		X							Jsc								Continuation of Nonconformity	No		23-2G-1050(B)(6)	(6) Conversion to Cooperative Housing. A nonconforming use operating within a multifamily building may be replaced by Cooperative Housing and allowed to expand or extend beyond the floor area that is occupied on the date it became a nonconforming use if:  a) Cooperative Housing is allowed or conditional use within the zoning district.  b) The responsible director determines that the new use meets the definition of Cooperative Housing in 23-13A-2030.	This proposed language allows a nonconforming use to be converted into a cooperative housing. The City should support cooperative housing wherever possible and avoid burdening the development and expansion of cooperatives.			
9.3	Division 23-2G-1 General Provisions		X												TW			Uses	X		23-2G-1060-D-1	23-2G-1060-D-1-a except a single family home which is subject to the requirements of 23-2G-1080-D	single family homes on more intense zoning appear all over our poorer neighborhoods as a legacy of previous spot zoning. I don't think we should continue to punish them by not allowing them to repair their home if there's damage. This same type of protection is afforded to non-conforming structures under 23-2G-1080-D			
9.8	Division 23-2G-1		x							Jsc											23-2G-1060 Termination of Nonconforming Use	(D) Termination by Destruction (1) A damaged structure used for a nonconforming use may be repaired and the nonconforming use continued only if the building official determines that the cost of repair does not exceed 50 percent of the value of the structure immediately before the damage, as determined by a licensed appraiser in a manner approved by the building official.	A damaged structure used for a nonconforming use may be repaired and the nonconforming use continued only if the building official determines that the cost of repair does not exceed 50 percent of the value of the structure immediately before the damage, as determined by a licensed appraiser in a manner approved by the building official. If it costs more than this (even if you don't do all of the repairs) you lose the use. Current Land Development Code Sec. 25-2-944 allows 90%. This change in Draft 3.0 is problematic for financing and for insurance			
9.13	Division 23-2G-1 General Provisions														JT			Continuation of Nonconformity	Yes		23-2G-1060		This section needs to be reviewed and rewritten. A damaged structure used for a nonconforming use may be repaired and the nonconforming use continued only if the building official determines that the cost of repair does not exceed 50 percent of the value of the structure immediately before the damage, as determined by a licensed appraiser in a manner approved by the building official. If it costs more than this (even if you don't do all of the repairs) you lose the use. Current Land Development Code allows 90%. This change in Draft 3.0 is problematic for financing and for insurance purposes.			
9.15	Division 23-2G-2 Specific Types of Nonconformity																									
9.9	Division 23-2G-2 Specific Types of Nonconformity		x							Jsc								Nonconforming Lots	No		23-2G-2020(C)(2) and (3)	(2) If a nonconforming lot is used with one or more contiguous lots for a single use or unified development, the standards of this Title apply to the aggregation of lots as if the aggregation were a single lot.  (3) A nonconforming lot that is aggregated with other property to form a site may not be disaggregated to form a site that is smaller than the minimum lot area required by this Title.	This proposed language deletes two section to clarify that all lots that are legally platted and meet the definition in the prior Section 23-2G-2020(C)(1), which has a minimum lot size of 2,500 sq.ft., a frontage of 25 ft. should be allowed to be developed. The City should honor existing legally platted lots and allow them to be developed. Currently one house can sit on two or three legally platted lots which locks up the land from being used as it was platted for.			
A-9.16.1	Division 23-2G-2 General														TW								Brent Lloyd's language with EXHIBIT simplicity & housing blueprint goals Is this Kenny's amendment as well?			
<b>10 Article 23-2H Construction Management and Certificates</b>																										
10.1	Division 23-2H-1 General Provisions																									
10.2	Division 23-2H-1 General Provisions		X							Jsc								Timeline	No		23-2H-1020(B)	No later than seven THREE days	This is standard construction note that three days notice is adequate.			
10.3	Division 23-2H-2 Subdivision Construction																									
10.4	Division 23-2H-3 Site Construction and Inspection																									
10.5	Division 23-2H-4 Certificates of Compliance and Occupancy																									
<b>11 Article 23-2I Appeals</b>																										
11.1	Division 23-2I-1 General Provisions																									
11.2	Division 23-2I-2 Initiation and Processing of Appeals																									
11.3	Division 23-2I-3 Notification and Conduct of Public Hearing																									
11.4	Division 23-2I-4 Action on Appeal																									
<b>12 Article 23-2J Enforcement</b>																										
12.1	Division 23-2J-1 General Provisions																									
12.2	Division 23-2J-2 Suspension and Revocation																									

CHAPTER ARTICLE	DIVISION TITLE	A		B												C	D	E		F	G		H							
		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE		COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE					
				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION							
12.3	Division 23-2J-3	Enforcement Orders	C																											
12.4	Division 23-2I-4	Appeal Procedures																												
<b>13 Article 23-2K Vested Rights</b>																														
13.1	Division 23-2K-1	Petition and Review Procedures	C																											
13.2		VALID PETITION RIGHTS																												
13.3	Division 23-2K-2	Vested Rights Determinations	C																											
13.5	Division 23-2K-3	Expiration	C																											
<b>14 Article 23-2L Miscellaneous Provisions</b>																														
14.1	Division 23-2L-1	Interlocal Development Agreements	C																											
14.2	Division 23-2L-2	General Development Agreement	C																											
14.3	Division 23-2L-3	Closed Municipal Landfills																												
<b>Chapter 23-3: General Planning Requirements</b>																														
<b>15 Article 23-3A Purpose and Applicability</b>																														
15.1	Division 23-3A-1	Purpose and Applicability	C																											
<b>16 Article 23-3B Parkland Dedication</b>																														
16.1	Division 23-3B-1	Parkland Dedication																												
16.2	Division 23-3B-1	General Provisions		x										JSC																
16.5	Division 23-3B-2	Dedication																												
16.6	Division 23-3B-2	Dedication			x			GA																						
16.7														JSC																
16.8	Division 23-3B-2	Dedication			x			GA						JSC																
16.9	Division 23-3B-2	Dedication			x									JSC																

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16.10	Division 23-3B-2	Dedication	x								Jsc													Dedication of Parkland	No	23-3B-2010 (H)	(H) 15 Percent Urban Core Cap. The amount of parkland, <u>civic open space, and common open space</u> required to be dedicated or provided within the Parkland Dedication Urban Core may not exceed 15 percent of gross site area for the development required to provide the dedication except upon consent of the applicant or as authorized under this subsection.	This proposed language applies the 15 percent parkland dedication cap to the entire city, not just the urban core. The City's current requirement to dedicate more than 15% has a major impact on achieving the goals established in the City's Housing Blueprint. This proposed language does not change the Parks Director's ability to go to the land use commission to exceed that cap if conditions warrant. The Cap is a "soft cap" because the land use commission can raise or lower it on appeal of the applicant or director. In addition, the cap will now apply to the new requirements for civic open space and common open space introduced in CodeNEXT.		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The insertion of a 15 percent cap was made at the very end of the negotiation as a compromise for an agreed upon "Parkland Dedication Urban Core." The parkland dedication calculation for land acreage is based on a current level of service of local Austin parks of 9.4 acres per 1,000 persons. If only 15% of that amount is dedicated in every case across the City we will be effectively lowering the calculation for development to a service level of 1.4 acres per 1,000 persons. That is very crowded parkland and the Austin level of service and its
16.11	Division 23-3B-2	Dedication	x								Jsc												Dedication of Parkland	No	23-3B-2010 (I)	(I) Sites Fronting Corridors.  (1) An applicant seeking a Subdivision or Site Plan for a site that is ten acres or less and fronts an Imagine Austin Corridor shall not be required to dedicate parkland onsite and instead shall be required to pay in lieu of dedication.  (2) An applicant seeking a Subdivision or Site Plan for a site that is more than ten acres and fronts an Imagine Austin Corridor shall not be required to dedicate parkland fronting the corridor.	This proposed language clarifies when parkland may be required to be dedicated for sites that front an Imagine Austin Corridor. The proposed language provides the park director the ability to request for the dedication by approval of the land use commission. Imagine Austin calls for transit-supportive corridors, which in turn require population and job densities along our corridors. Parkland requirements that limit unit yield should not limit or prevent housing along our corridors.		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. Parks make high density more liveable. Properties on the corridor are often the only re-development in the area and present the only opportunity in a Deficient Area for parkland. Residents along major corridors should have parks within 1/4-mile of residents to meet Comprehensive Plan goals of locating units within walking distance of parks (1/4-mile in the urban core and 1/2-mile outside the urban core). (Imagine Austin, Page 196) PARD tracks this metric every five years.	
16.12											Jsc															(3) The director may request that the Land Use Commission approve onsite dedication for a site that fronts an Imagine Austin Corridor, up to the amount required under Subsection (E), if doing so is necessary, to address a critical shortage of parkland for an area identified in the Deficient Parkland Area Map or provide connectivity with existing or planned parks or recreational amenities.  (a) Before the Land Use Commission considers a request under this subsection for approval, the director shall present the request to the Parks Board for a recommendation.  (b) In considering a request from the director under this subsection, the Land Use Commission may:  (i) Deny the director's request; or  (ii) Approve the director's request for the full amount requested or a portion of the amount the Land Use Commission finds to be necessary based on the criteria in code and the parkland dedication operating procedures.		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. Parks make high density more liveable. Properties on the corridor are often the only re-development in the area and present the only opportunity in a Deficient Area for parkland. Residents along major corridors should have parks within 1/4-mile of residents to meet Comprehensive Plan goals of locating units within walking distance of parks (1/4-mile in the urban core and 1/2-mile outside the urban core). (Imagine Austin, Page 196) PARD tracks this metric every five years.		
16.15	Division 23-3B-2		x	GA																			Parkland Dedication	No	23-3B-2010	Remove references to 15% and change to 10%. Add new (6) The 10 percent parkland dedication shall be calculated as a net site area	Imagine Austin calls for "increase dense, compact family-friendly housing in the urban core". In many instances, sites within the urban core will be required to dedicate at or near the 15 percent cap which severely limits the density in the urban core and along the major corridors.		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The insertion of a 15 percent cap was made at the very end of the negotiation as a compromise for an agreed upon "Parkland Dedication Urban Core."	
16.16	Division 23-3B-2		x	GA																			Parkland Dedication	No	23-3B-2010	An applicant seeking a Subdivision or Site Plan for a site that fronts an Imagine Austin Corridor shall not be required to dedicate parkland on site.	Dedication of Parkland - specify that onsite parkland dedication is not required on an Imagine Austin Corridor. Imagine Austin calls for transit-supportive corridors, which in turn require population and job densities along our corridors. Parkland requirements that limit unit yield, while important in other parts of Austin city, should stymie housing along our corridors		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. Parks make high density more liveable. Properties on the corridor are often the only re-development in the area and present the only opportunity in a Deficient Area for parkland. Residents along major corridors should have parks within 1/4-mile of residents to meet Comprehensive Plan	
16.18	Division 23-3B-2	Dedication	x											JT										No	23-3B-2010 Dedication of Parkland (A) Dedication Required (1)[NEW]	(A) Dedication Required. An applicant for subdivision or site plan approval must provide for the parkland needs of the residents by the dedication of suitable land for park and recreational purposes under this article or by payment of a fee in-lieu of dedication under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication).  (1) An applicant may request a binding determination from PARD regarding whether total land dedication for all types of open space, including but not limited to parkland, common open space, civic open space, private open space, payment of fee in-lieu in land or a combination of fee and land will be required. (a) A binding determination issued under this section shall apply to any development application submitted within 1-year from the date the determination is issued, provided that the number of units has not changed by more than 10% from the number of units originally provided by the applicant and relied upon by PARD to make the determination. A binding determination expires if no subdivision, site plan or building permit application is submitted within one-year from the date the determination was issued. (b) The combined total area between open space and parkland, shall not exceed % of site.	Applicants must be able to predict during their due diligence period what may be required for parkland dedication. Additions in (A)(1) and (A)(1)(a) are taken directly from the existing Parkland Dedication Operating Procedures (PDOP). Leaving such important procedures to be defined and determined outside of the revised LDC process and in the PDOP does not provide clear guidance and predictability. In addition, limiting the maximum required dedication would allow for density to continue and support the principles in Imagine Austin for compact development.		See also 16.7 and 16.9. PARD does not support the (b) addition, but does support the concept of explaining and naming the Early Determination process in Code. PARD believes this concept is already in current code in 23-3B-3010 ( C ) Review Procedure. But supports changing the (C)'s title from: <u>Review Procedure</u> , to <u>Early Determination</u> . PARD supports clarifying existing practice that a determination is valid through approval of a subdivision or site plan application by changing 23-3B-2010 ( C ) to: A determination issued under this Subsection is valid for a <u>period of one year from the date of issuance</u> any subdivision or site plan filed within one-year of the determination, provided that the number of units used to make the determination does not increase by more than 10 percent.	
16.3	Division 23-3B-1	General Provisions	x								Jsc												Review Authority	No	23-3B-1020(C)(1)	(1) A Deficient Park Area Map Proximity to Park Area Map illustrating shortages in parkland that shows only required connections to greenways and trails and areas of the City that are more than a one quarter (1/4) mile walk of an existing park or a school playground or other applicable open space that is at least one acre and is accessible to the public; and		No	PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The map in the code is a Deficiency Map, not a Proximity Map, That term Proximity does not match the concept. The City has deficient and non-deficient areas. Further, school playgrounds are not permanent and are not open to the public unless the City has established an interest in them	

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				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION			
16.4	Division 23-3B-1 General Provisions		x							Jsc										23-3B-1020(D)	(D) Before the director may adopt or amend a rule under this Article, the director shall present the rule to the Parks Board and Planning Commission for consideration and recommendation to City Council and the City Council will approve, modify, or disapprove the proposed rule.	This proposed language adds a requirement that any new rule or change to an existing rule must be reviewed by the Parks Board and Planning Commission for consideration and recommendation to the City Council. The proposed language also requires the City Council to approve, modify, or disapprove any proposed rule or rule change. This proposed requirement is almost the exact language used for rules related to Solid Waste Services in Section 15-6-3 of our City Code.	No	PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The Parkland Dedication Operating Procedures (PDOP) is part of the Building Criteria Manual amended by the City's rules processes that require public notice, staff review by all departments, public comment submittal and response and, finally, adoption. This process is the same for all technical Criteria Manuals in the City.	
16.13	Division 23-3B-2 Dedication		x							Jsc									23-3B-2020 (E)	(E) The director shall approve the inclusion of additional features that satisfy other regulatory requirements, such as Water Quality features, drainage features, detention features, trails, or other features if they do not disrupt the primary purpose of the dedication.	This proposed language would allow other regulatory requirements that impact the development of a full site's area to be included in parkland dedicated to the city so long as they do not disrupt the primary purpose of the dedication.	No	PARD disagrees with this language. Water quality/detention features must be built as an amenity to count as parkland. To require the director to approve ("shall") does not ensure that the credited acreage will be built as an amenity. The PDOP 14.3.8 already covers this concept. PARD and Watershed Departments are writing a section of the Environmental Criteria Manual to assist with this option for parkland dedication credit.		
16.14	Division 23-3B-2 Dedication		x							Jsc									23-3B-2020 (F)	(F) Gazebos, pavilions, and other open air structures are permitted.	This proposed language clarifies that gazebos, pavilions, or other open air structures are allowed in parkland that is dedicated.	No	PARD disagrees with this language, the code does not prevent such structures in dedicated parkland. Many dedications include gazebos and pavilions. We cannot single out these two types of amenities when there are a myriad of acceptable amenities.		
A-16.14.1	Division 23-3B-2 Dedication			x										TW				X	??		It's unclear whether 23-3B-2030 intends for up to 100% of on-site dedication of privately-owned, publicly-accessible parkland to satisfy the requirements, or if privately-owned, publicly-accessible parkland outside of the development can satisfy requirements in the same way public parks would. This section has not changed, and its still recommended that the director update the Deficient Park Area Map to include this new wave of privately-owned, publicly-accessible parks.		The Parkland Dedication Operating Procedures allows for off-site dedication within 1/4-mile of the development. In practice this would apply to private parkland with an easement as well. PARD could propose rule changes to make this more apparent.		
16.17	Division 23-3B-2 2010- Dedication of Parkland														TS				2010 (G)	(G) PUD Parkland Requirements. Development within a Planned Unit Development (PUD) Zone may, if required by the ordinance adopting the PUD, be subject to additional parkland requirements and may be entitled to count dedicated parkland towards meeting open space requirements under Section 23-4D-8130 (Planned Unit Development Zone). Therefore, the 15% cap limit provisions in 23-3B-2010 (H) do not apply to PUD zones.	(H) Add that 15% cap does not apply to PUD's. The rules are already administered this way.		This is in the Parkland Dedication Operating Procedures, OK to add but some non-residential PUDs do not owe parkland so at the end of Shaw's proposal add: for Parkland superiority determinations.		
16.19	Division 23-3B-2 2020 - Standard for Dedication of Parkland-														TS				2020 - Standard for Dedication of Parkland-	ADD: (E) Dedicated Parkland shall meet site condition requirements within the Parkland Dedication Operating Procedures	(A)(3) Does PARD's operating procedures have requirements for min. of 50% meet active play and <10% slope requirements? If not, these need to be added to dedication requirements. (C) 50% is to large amount of 100 yr. floodplain to count as parkland as these areas are not accessible for public use many times during the year.	Yes	PARD is OK with this change. To answer the question: Yes, both of these requirements are in the PDOP. The 50% active play requirement ensures that enough useable land is dedicated even if part of it is floodplain.		
16.20	Division 23-3B-3 Fees																								
16.24	Division 23-3B-3 Fees			x						Jsc									23-3B-3010(A)	(A) Fee In-Lieu Authorized. The director may require or allow a subdivision or site plan applicant to deposit with the City a fee in-lieu of parkland dedication under Section 23-3B-2010 (Dedication of Parkland) if:  (1) The director determines that payment of a fee in-lieu of dedication is justified under the criteria in Subsection (B); and  (2) The following additional requirements are met:  (a) Less than six acres is required to be dedicated under Section 23-3B-2010 (Dedication of Parkland); or  (b) The land available for dedication does not comply with the standards for dedication under Section 23-3B-2020 (Standards for	This proposed language allows a fee in lieu to be used any time the normal standards are met, without regard to total size of the subdivision or site plan. This allows more flexibility for both PARD and the applicant.	No	PARD does not agree with this substantive change. Currently, a project over 376 units generates a requirement for 6 acres and greater of parkland. The 15% cap limits the amount of parkland to only 15% of the site, which, in the urban core, generally creates about a half-acre to one-acre park. Due to the cost in the urban core being more than \$1 million an acre, PARD believes that it will be difficult as the City grows to purchase the land needed to serve all these residents and meet Imagine Austin goals for health and green infrastructure without this requirement.		
16.22	3010 - Fee in Lieu of Dedication														TS				3010 (A)(2)	ADD: (c) the director determines that land is available in the service areas being considered so as to assure that City will be able to utilize the fees per 23-3B-3030.	PARD commented that they have difficulty finding land for parks especially in urban core. In general, all fee-in-lieu of options for developers should be predicated on the City's ability to utilize the fees. If it is more difficult for the city to provide the benefits than the developer.		This could be used by applicants to negate 2 (a)?		
16.21	3010 - Fee in Lieu of Dedication														TS				3010 (A)(2)(a)	(a) Less than 6.1 acre is required to be dedicated under Section 23-3B-2010 (Dedication of Parkland); or	6 acres is a very large threshold amount of Parkland to be able to be considered for exemption from dedication requirements with fee-in-lieu. This will ensure that even small parcels of dedicated park are made available to serve needs if increased number of residents and developer has option to pay remainder as fee-in-lieu.		The 6-acre threshold has been in the parkland dedication ordinance since 1985. It was chosen because it is the average size of a neighborhood park. It has ensured that projects that owe large acreages are required to give some land. Currently, it is triggered on a SF project of about 250 or more units and on a MF project of 375 units or more.		
16.25	Division 23-3B-3 Fees			x						Jsc									23-3B-3010 (C) Fee-In-Lieu of Parkland Dedication	(C) Site Plan Dedication. (1) For dedication made at site plan the area to be dedicated must be shown on the site plan as "Parkland Dedicated to the City of Austin" and in a deed to the City. The applicant shall dedicate the parkland required by this article to the City by deed before the site plan is released, except that dedication may be deferred until issuance of a certificate of occupancy if construction of amenities is authorized under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication) or Section 23-3B-3020 (Parkland Development Fee). (2) In negotiating a deed under this section, the director may require that a reasonable portion of the total impervious cover permitted on the site be allocated to the dedicated parkland to allow for construction of parkland amenities without unduly impacting development of the proposed site plan. (3) Parkland dedication that complies with this section shall be included in the gross site area for the parcel dedicating land. Zoning entitlements including but not limited to impervious cover and FAR shall be calculated on the gross site area prior to the parkland dedication.	The language as written does not provide clarity on how gross site areas may be calculated. A major concern is that if the area is calculated after the parkland dedication, the result is that the developable parcel will have less entitlements, including FAR and Impervious Cover. This recommendation would calculate the gross site area before the dedication and allow for better density on sites, including ones along major corridors		This is referring to 23-3B-2010 (C), not 3010. PARD agrees with the concept. See 16.5.		

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				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION							
16.26	Division 23-3B-3	Fees										Jsc											23-3B-3010(E)(1)	(1) <u>Construction of Amenities.</u> The director shall allow an applicant to construct recreational amenities on public or private parkland, if applicable, in-lieu of paying the dedication fee required by this section. In order to utilize this option, the applicant must:  (a) Post fiscal surety in an amount equal to the development fee; and  (b) If a dedication of land is required, construct recreational amenities prior to the dedication in a manner consistent with the parkland dedication operating procedures; and  (c) Document the required amenities concurrent with subsection or site plan approval, in a manner consistent with the parkland dedication operating procedures.	This proposed language allows fee-in-lieu to be used on the construction of on-site recreational facilities. This will incentivize the construction of on-site facilities and lower the City's burden on existing parks.	No	PARD does not agree with this change due to fees in lieu of land needing to be spent to purchase land if it is available. The development fee may be used to construct items on existing parkland in lieu of payment 23-3B-3020 (C).			
16.27	Division 23-3B-3	Fees										Jsc										23-3B-3010(F) and (H)	(F) A Fee in lieu for parkland dedication shall be allowed by right on corridors and within 1/2 mile walk of high frequency transit stops.  (H) Appeal. If the director rejects a request to pay a fee in-lieu of dedication under Subsection (B), the applicant may appeal the director's decision to the Land Use Commission consistent with the procedures in Article 23-21 (Appeals). Before the Land Use Commission considers the appeal, the director shall present the case to the Parks Board for a recommendation, but failure by the Parks Board to act shall not prohibit the Land Use Commission from considering the appeal.		Fee In-Lieu of Parkland Dedication	No		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. Residents along major corridors should have parks within 1/4-mile of residents to meet Comprehensive Plan goals of locating units within walking distance of parks (1/4-mile in the urban core and 1/2-mile outside the urban core). (Imagine Austin, Page 196) PARD tracks this metric every five years. Also, parkland should be located in conjunction with BRT stops to attract more riders and provide a pleasant and safe area around stops.		
16.28	Division 23-3B-3	Fees										Jsc										23-3B-3010(G)	(G) A dedication determination issued under this Subsection is valid for a period of one year from the date of issuance and will not expire if a site plan application is filed within one year from the date of issuance.	Initial parkland dedication determination should continue through the site plan process.	Yes	Agree, but see comment in 16.7 to put in 23-3B-3010 ( C). This is clarification of existing practice.				
16.23		3030 - Fee Payment and Expenditure																				3030 (C)	C) The City shall expend a fee collected under this article within five years from the date the fees are appropriated for expenditure by the director. This period is extended by five years if, at the end of the initial five-year period: 1) less than 50 percent of the residential units within a subdivision or site plan have been constructed, or 2) City demonstrates hardship in availability of land to purchase for parkland.	PARD should have a way to request extension for use of funds when there are issues with land availability etc.		According to (D) (1), the fees refundable within five years are only for unbuilt units that are not providing a park impact.				
<b>17 Article 23-3C Urban Forest Protection and Replenishment</b>																														
17.1	Division 23-3C-1	General Provisions																												
17.2	Division 23-3C-1	General Provisions		X								Jsc											23-3C-1020 (C)	(C) The city arborist shall adopt administrative rules, in accordance with the administrative rules process, to implement this article and, in consultation with the Public Works Director, additional rules to implement Division 23-9F-5 (Sidewalks, Urban Trails, and Street Trees). Rules adopted under this article shall include:	This proposed language clarifies that the rules must be adopted by the administrative rules process. Rules adopted by this department should follow administrative rules procedures	Neutral	Staff has no objections			
17.3	Division 23-3C-1	General Provisions		X								Jsc											23-3C-1030 (B)	Heritage Tree Species. To qualify as a heritage tree, a tree must meet the size requirements listed in Subsection (A) and qualify as one of the following species or as an additional heritage tree species listed in the Environmental Criteria Manual:  (1) Texas Ash; (2) Bald Cypress; (3) American Elm; (4) Cedar Elm; (5) Texas Madrone; (6) Bigtooth Maple; (7) All oaks; (8) Pecan; (9) Arizona Walnut; and (10) Eastern Black Walnut.	This proposed language clarifies that only tree species listed in code can qualify as a heritage tree. The list of Heritage Tree Species should be approved by City Council and listed in code; the list should not be subject to administrative change by a criteria manual.	Tree Designations	No	Yes	Staff concurs with the change	
17.4																							23-3C-1030	Ensure that PC recommends what is in the Addenda re: Young Public Trees 2-7.9' and Keystone Trees 8-18.9.	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.	Yes	Staff concurs with the draft in the addendum			
17.5												Jsc											23-3C-1040 (A) Tree Requirements for Site Plan (2)	(A) <u>Tree Requirements for Site Plans.</u> An application for site plan approval must: (1) Include a grading and tree protection plan, as prescribed by the Environmental Criteria Manual and other applicable rules; and (2) Demonstrate that the design will preserve the existing natural character of the landscape, including the retention or mitigation of trees eight inches or larger in diameter to the extent feasible.	Removing conflict. Requiring a plan to preserve existing trees 8 inches or above exceeds code requirements. Trees less than 19 inches have an option for mitigation.		warrants further discussion			
17.6	Division 23-3C-1	General Provisions		X								Jsc											23-3C-1040 (B)	(B) <u>Restrictions on Removal of Keystone Trees.</u> If development under a proposed site plan will remove a keystone tree, the city arborist may require mitigation, including the planting of replacement trees. The city arborist may not release the site plan withhold the building permit or certificate of occupancy until the applicant satisfies the condition or posts fiscal surety to ensure performance of the condition.	This proposed language still provides the city arborist the authority to ensure that an applicant satisfies code but simply moves his ability to withhold a site plan to the ability to withhold the building permit or certificate of occupancy. The requirement of mitigation prior to SDP approval is cart before the horse and unachievable; Request to post fiscal surety for tree mitigation is a large cost and seems unnecessary as staff can ensure the trees are planted prior to acceptance of a building/CO.	Application and Review Procedures	No		warrants further discussion	

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17.7	Division 23-3C-1 General Provisions		X								Jsc										Application and Review Procedures	No		23-3C-1040 (C)	(B) <del>Restrictions on Removal of Protected Trees.</del> For an application for preliminary plan, final plat, building permit or site plan approval that proposed the removal of a protected tree, the city arborist must review the application and make a recommendation before the application is administratively approved or presented to the Land Use Commission or city Council.	Protected tree removal should not need Land Use Commissioner city Council approval.	Yes	There is an appeal process that provides the applicant due process to appeal the staff decision. That appeal terminates at PC/ZAP. Staff concurs with omitting council as that is not a permitting pathway.			
17.8	Division 23-3C-1 General Provisions		X								Jsc										Review by City Arborist	No		23-3C-1050 (B)	(B) <del>Mitigation Requirements.</del> If a regulated tree is permitted for removal, the city arborist shall require reasonable mitigation, consistent with the applicable requirements of this article and the Environment Criteria Manual. Compliance with required mitigation measures, which may include planting replace trees, must occur before the Development Services Director may approve the application <del>issue a certificate of occupancy.</del>	This proposed language still provides the city arborist the authority to ensure that an applicant satisfies code but simply moves his ability to withhold approval of an application to withhold the certificate of occupancy. The requirement of mitigation prior to SDP approval is cart before the horse and unachievable; Request to post fiscal surety for tree mitigation is a large cost and seems unnecessary as staff can ensure the trees are planted prior to acceptance of a building/CO.	No	Fiscal is not psted for mitigation when mitigation is shown on development plans			
17.9	Division 23-3C-1 General Provisions			X							Jsc										Review by City Arborist	No		23-3C-1060	"(A) The city arborist may request that a city department waive or modify a policy, rule, or design standard, other than a regulation of this Title, if the waiver provides an opportunity for a tree to be preserved. The city department shall make best efforts to preserve the tree, and any conflicts between the city arborist and the city department shall be resolved by the City Manager within 30 days of the initial request for waiver, enforcement will result in removal of a regulated tree under Section 23-3C-1030 (Tree Designations).  (B) At the city arborist's request, a responsible director may waive or modify the applicable policy, rule, or design standard, other than a regulation of this Title, if the director determines that a waiver or modification will not pose a threat to public safety.	Make this authority more explicit, and allow for bonuses.	No	Staff does not concur with the 30 day limit to resolution. Applicant should identify these issues during the due diligence and 30,60,90 plan development process and seek staff input via predevelopment consultations			
17.10											Jsc														(C) The city arborist shall have the administrative authority to grant the following additional entitlements that exceed zoning criteria or waive specific regulations to encourage the preservation of a protected or heritage tree. These entitlements are:  (1) Additional FAR; (2) Articulation requirements; (3) Parking siting requirements; (4) Minimum parking requirements; (5) Additional height; and (6) Smaller front, side, and rear setbacks (while maintaining fire code fire rating requirements); and (7) other non-zoning regulations.  (D) The city arborist shall develop using the administrative rulemaking process described 23-2C-1020 to implement procedures for granting these entitlements."		Neutral				
17.11	Division 23-3C-2 Young Public, Keystone, and Protected Trees										Jsc																				PARD is concerned that 23-3C-2010 (C) will be onerous for park development. PARD should receive same exemptions as other departments.
A-17.11.1	Division 23-3C-2 Young Public, Keystone, and Protected Trees		X								Jsc										Residential Uses	No		23-3C-2020 (B)	"(B) Single Family Residential Scale (1) No permit is required to remove or impact a keystone tree located on one or two-unit residential scale (1-10 unit) development (2) Keystone trees may be used to fulfill mitigation requirements for one or two-unit single family residential scale development if Protected Trees and Heritage trees are approved for removal or impact, or to satisfy planting requirements. The city arborist shall review keystone trees proposed for full mitigation or planting requirements during review of the building permit to ensure the keystone trees are identified prior to construction.	Keystone trees should not require a permit for residential scale development. Addendum text only exempts one or two family uses from keystone tree permit requirement, which essentially protects them like 19"+ trees. Residential scale housing that does not require a full site plan (1-10 units) should not be subject to commercial site plan requirements governing removal of keystone trees. The intent of residential heavy permits was to reduce the site plan requirements and expenses like this.					
17.12	Division 23-3C-3 Heritage Trees																														-
17.13	Division 23-3C-3 Heritage Trees													JT										23-3C-3030 Land Use Commission Variance	(B) <del>A variance request under this section is subject to the application requirements in Section 23-2F-1030 (Application Requirements) and the public notice and hearing requirements in Section 23-2F-1040 (Public Hearing and Notification).</del> (B) : If a property is unreasonably encumbered by the location and/or quantity of heritage trees, the Land Use Commission shall consider a variance under this section to allow appropriate development of the property in accordance with Chapter 23-4.  Definition: unreasonably encumbered-50% or more of the site is undevelopable or more than 10% of the potential unit yield is lost	Due to many of the new requirements under Chapter 23-4 to push parking towards the back of the property, impervious cover limitations, new setbacks, landscape buffers, etc. It is now more likely that some sites will be undevelopable due to the prevalence of heritage trees. Adding (B) and renumbering this section would allow the land use commission to take into consideration whether or not the development of a site is being unreasonably encumbered by the heritage trees on the site.	No	Staff does not concur with the metrics used to determine unreasonableness.			
18	Article 23-3D Water Quality																														
18.1	Division 23-3D-1 General Provisions		C																												-
18.2	Division 23-3D-2 Exceptions and Variances																														-

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18.3	Division 23-3D-2 Exceptions and Variances		x								Jsc												23-3D-2030(B)	(B) Requirements for Redevelopment Exception. This article does not apply to redevelopment of property under this section if the redevelopment:  (1) Does not increase the existing amount of impervious cover;  (2) Provides water quality controls that comply with Section 23-3D-6030 (Water Quality Control and Green Stormwater Infrastructure Standards) for the redeveloped area or an equivalent area on the site;  (3) Does not generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property;  (4) Is consistent with the neighborhood plan adopted by council, if any;	This propose language removes language that is not germane to redevelopment exceptions and should be removed. Redevelopment exceptions allow impervious cover to be reduced in the watershed, so non-water quality requirements should be removed	Neutral	The requirement for Council approval if the project meets certain non-water quality-related criteria stems from stakeholder discussions for the Redevelopment Exception adopted in 2000 and the Barton Springs Zone Redevelopment Exception adopted in 2007. Watershed staff defer to PAZ, ATD, and DSD staff for potential modifications to the non-water quality related criteria. Note: Changes to the BSZ Redevelopment Exception will need approval from a supermajority of Council.		
18.4											Jsc													(53) Does not increase non-compliance, if any, with Section 23-3D-4040 (Critical Water Quality Zone Development), Section 23-3D-4050 (Critical Water Quality Zone Street, Driveway, and Trail Crossings), Section 23-3D-5030 (Critical Environmental Features), or Section 23-3D-5040 (Wetland Protection); and  (64) Does not place redevelopment within the Erosion Hazard Zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.		Neutral	See comment above.		
18.5	Division 23-3D-2 Exceptions and Variances		x								Jsc												23-3D-2040 (D) (1)	(D) Council Approval. (1) Applicability. Council approval of redevelopment under this section is required if the redevelopment: (a) Includes more than 25 dwelling units; (b) Is located outside the City's zoning jurisdiction; (c) Is proposed on property with an existing industrial or civic use; (d) Is inconsistent with a neighborhood plan; or (e) Will generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property.	Extensive water quality rules are appropriate in this zone, but there's no need to take the items to a vote at Council for non-water quality items. Requiring this to go to Council adds additional costs to the overall development	Neutral	See comment above.		
18.6	Division 23-3D-2										Jsc												23-3D-2050 ©	(C) Requirements for Redevelopment Exception. The requirements of this article do not apply to the redevelopment of property under this section if the redevelopment meets all of the following conditions:  (4) The water quality controls for the redeveloped areas or an equivalent area on the site must provide a level of water quality treatment that is equal to or greater than that which was previously provided. At a minimum, the site must provide water quality controls: sedimentation/filtration ponds for the areas of increased impervious cover or an equivalent area on the site.	Clarifies the area on a site subject to this regulation and establishes a minimum type of acceptable water quality controls.				
18.7											Jsc												23-3D-2070 ©	(e) Necessary to allow reasonable development of the property according to the level of development allowed under 23-4.	This amendment requires Watershed to consider the reasonable amount of				
18.8	Division 23-3D-2 Exceptions and Variances		x								Jsc												23-3D-2090 (NEW)	"23-3D-2090 Residential Construction of three to ten units on one acre or less with Increased Water Quality Control Measures  (A) An applicant seeking to construct three to ten units on one acre or less may increase up to 65% the amount of impervious cover on the site above the impervious cover amounts in the base zone listed in 23-4, provided that the applicant comply with all of Article 23-3D (Water Quality), 23-10E (Drainage), and Division 23-2A-3 (Residential Development Regulations)."	This is necessary to allow missing middle to fit on a property, in some cases, but forces the developer to opt in to water quality and drainage rules that apply to commercial property	No	This proposal should be located in 23-2A-3 (Residential Development Regulations). In addition, since the early 1980s, water quality and drainage infrastructure in residential subdivisions has been sized assuming 45% impervious cover across the subdivision. Earlier subdivisions often have inadequate drainage infrastructure. Allowing additional impervious cover is likely to create drainage problems in modern subdivisions and exacerbate problems in older subdivisions. Watershed Protection Department staff would recommend additional water quality and drainage requirements on individual lots if impervious cover limits were increased beyond		
18.9	Division 23-3D-3 Impervious Cover										Jsc												23-3C-3030 Land Use Commission Variance	(B) A variance request under this section is subject to the application requirements in Section 23-2F-1030 (Application Requirements) and the public notice and hearing requirements in Section 23-2F-1040. (Public Hearing and Notification) (B) : If a property is unreasonably encumbered by the location and/or quantity of heritage trees, the Land Use Commission shall consider a variance under this section to allow appropriate development of the property in accordance with Chapter 23-4.  Definition: unreasonably encumbered-50% or more of the site is undevelopable or more than 10% of the potential unit yield is lost.	Due to many of the new requirements under Chapter 23-4 to push parking towards the back of the property, impervious cover limitations, new setbacks, landscape buffers, etc. It is now more likely that some sites will be undevelopable due to the prevalence of heritage trees. Adding (B) and renumbering this section would allow the land use commission to take into consideration whether or not the development of a site is being unreasonably encumbered by the heritage trees on the site.				
18.11	Division 23-3D-3 Impervious Cover																												

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18.14	Division 23-3D-3	Impervious Cover	x							Jsc		JT								23-3D-3040(C)	(c) Impervious cover calculations exclude: (1) Sidewalks in a public right-of-way or public easement; (2) Multi-use trails open to the public and located on public land or in a public easement; (3) Water quality controls, excluding subsurface water quality controls; (4) Detention basins, excluding subsurface detention basins; (5) Ground level rainwater harvesting cisterns, excluding subsurface cisterns; (6) Drainage swales and conveyances; (7) The water surface area of ground level pools, fountains, and ponds; (8) Areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians and are not constructed with compacted base; (9) Porous pavement designed under the Environmental Criteria Manual, limited to only pedestrian walkways and multi-use trails, and located outside the Edwards Aquifer recharge zone; (10) Fire lanes designed as prescribed in the Environmental Criteria Manual, that consist of interlocking pavers, and are restricted from routine vehicle access;	This proposed language removes the exclusion of subsurface infrastructure. Subsurface water quality controls and subsurface cisterns should not count towards impervious cover.			
18.12	Division 23-3D-3	Impervious Cover	x						Jsc										23-3D-3070(B)(2)(d)	(d) Impervious cover for a commercial, mixed use, civic, or industrial use may not exceed:	Mixed use should be permitted the same IC as commercial.	No	This recommendation represents a change from existing policy. Significant revisions were made to the water quality and drainage regulations during the Watershed Protection Ordinance process in 2013. The intent was to encourage the actual provision of a mixture of commercial and residential use, not just multi-family.		
18.13	Division 23-3D-3	Impervious Cover	x						Jsc										23-3D-3070(B)(2)(e)	(e) Impervious cover for mixed use may not exceed: (i) The limits in Subsection (B)(1)(c) for the portion of the ground floor that is multi-family residential; (ii) The limits in Subsection (B)(1)(d) for the portion of the ground floor that is commercial, civic, or industrial; and (iii) Impervious cover for the entire site is based on the ratios determined on the ground floor.	With the proposed language for 23-3D-3070(B)(2)(d) this section is no longer necessary.	No	See comment above.		
18.15	Division 23-3D-4	Waterway and Floodplain Protection																							
18.16	Division 23-3D-4	Waterway and Floodplain Protection	x						Jsc										23-3D-4020(B)(6)	(6) Zone boundaries may be reduced based on hydrology analysis or floodplain model as approved by the director.	The proposed language would allow the director to use hydrology analysis to reduce water quality boundaries on a case by case basis.	No	The Critical Water Quality Zone for Suburban watersheds does not incorporate the floodplain. However, the applicant may demonstrate a change in the drainage area threshold as part of an		
18.17	Division 23-3D-4	Waterway and Floodplain Protection	x						Jsc										23-3D-4040(E)(4)	(E) A utility line, including a storm drain, is prohibited in the critical water quality zone, except as provided in Subsection (E) or for a necessary crossing. A necessary utility crossing may cross into or through a critical water quality zone only if:  (1) The utility line follows the most direct path into or across the critical water quality zone to minimize disturbance;  (2) The depth of the utility line and location of associated access shafts are not located within an erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual; and  (3) In the Barton Springs Zone, is approved by the Watershed Director.	The amendment clarifies that the department/person requiring the alignment of a utility parallel to and within a critical water quality zone is responsible for the payment.	No	This recommendation represents a change from existing policy. Significant revisions were made to the water quality and drainage regulations during the Watershed Protection Ordinance process in 2013. WPD is not proposing additional changes as part of CodeNEXT.		
18.18	Division 23-3D-4								Jsc										23-3D-4070	(A) All natural floodplain modification within a critical water quality zone is prohibited except as allowed under Section 23-3D-4040 (Critical Water Quality Zone Development). (B) All natural floodplain modification outside a critical water quality zone is allowed only if the modification proposed: (C) All natural floodplain modifications must:	Clarifies that floodplain must be naturally occurring.				
18.19	Division 23-3D-5	Protection for Special Features																							
18.20	Division 23-3D-5	Protection for Special Features	x						Jsc										23-3D-5010(A)	(A) An applicant <del>must</del> shall file an environmental resource inventory with the director for proposed development located on a tract that may cause disturbance to:  (1) Within the Edwards Aquifer recharge or contributing zone; (2) Within the Drinking Water Protection Zone; (3) Containing a water quality transition zone; (4) Containing a critical water quality zone; (5) Containing a floodplain; or (6) With a gradient of more than 15 percent. For applications with a tract containing a gradient of more than 15 percent the environmental resource inventory shall be required for the portion of the site within 150 linear feet from the slope over 15 percent.	Clarifies that an environmental resource inventory only applies to developments where any of these features may be disturbed, as it would be a severe cost to the applicant to do this for every site. In addition, the clarification for (6) allows for flexibility when working with larger sites which may have varying types of topography.	No	The intent of the ERI is to locate sensitive features that are common to these areas. Without the ERI, it would be impossible to determine whether these features may be disturbed by the development.		
18.21	Division 23-3D-6	Water Quality Control and Green Infrastructure Standards																							
18.22									TN										23-3D-6010(B)(3)	Delete "8,000" and substitute "5,000."	Nationwide, best practices for exemptions from undertaking water quality control measures is 5,000 sf, not 8,000 sf. Imagine Austin calls for "complete communities." Complete communities need water quality controls.				



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19.8			x				CK															23-3E-1030	Establish a priority for city-administered affordable housing units for people who have been displaced due to rising rents or property taxes.	Mimic's "people's plan"			
19.10							CK															23-3E-1010(B) and add new 23-3E-1025	Measurement Neighborhood Housing and Community Development shall keep records of the number of affordable units permitted and developed via the AHDB program as required to annually measure the goals as established in 23-3E-1025.  An annual report shall be prepared to document each areas progress towards annual goals. The annual report shall include, but is not limited to, the following: i. Number of total affordable housing units permitted, by unit type and number of bedrooms ii. Number of affordable housing units built, by unit type and number of bedrooms. iii. Value of Fee in Lieu collected in lieu of commercial bonus area iv. Value of Fee in Lieu collected in lieu of on-site affordable housing units, and equivalent unit count v. Average size of affordable housing units permitted, separated by bedroom count. vi. Average size of affordable housing units built, separated by bedroom count. vii. A summary of feedback from all applicants to the AHDB program. viii. An assessment of the income levels in this Title and whether they could be adjusted to better acheive the goals of the Strategic Housing Plan.	This requires an annual assessment of the affordable bonus program with established goals.			
19.11			x				CK																viii. If any goal shortcomings are noticed, the report shall assess the reasoning behind the failure to achieve the goals. An annual calibration of all area AHDB programs shall be done to ensure the AHBP encourages use of the program by providing an increase in project yield on cost. The calibration shall include a review of the number of units required (by %), bedroom counts, or any other requirements associated with the use of the bonus. The AHBP shall be modified when: i. In any year that the annual report shows that the annual goal is not met by more than 10%, the AHBP shall be adjusted to lower the requirement for utilizing the bonus, either by reducing the number, size or bedroom count of units, or by reducing the fee-in-lieu. A calibration study shall be done to confirm the adjustments made to the AHBP result in an increase in yield on cost to the project. ii. In any year the annual report shows that based on current market data, including but not limited to rent rates, construction costs, land and tax values, interest rates, or operating expenses, the AHBP no longer results in an increase in yield on cost to a project, the AHBP shall be adjusted per item (i) above.	This requires an annual assessment of the affordable bonus program with established goals.			
19.12																											
19.13							x															new division	Mandate that all city departments involved in site plan review, permit review, or other development services immediately prioritize projects participating in the affordable housing program over all projects that do not have an affordable program participation.	Re-instates skip-the-line for affordable housing program projects.			
19.14			x				x															23-3E-1050 (c)(2)	append at the end of the section "except that an applicant may pay the fee in lieu on partial units with the proportional fee in lieu per unit, with a minimum fee-in-lieu of 20% of the per-unit fee in lieu.	This allows payment of partial fee in lieu for the citywide affordable bonus program.			
19.15	Division 23-3E-1	Citywide Affordable Housing Bonus Program	X				AH														No	23-3E-1010	"(A) The purpose of this division is to establish general requirements and procedures for the submittal and review of an application for the Citywide Affordable Housing Bonus Program (AHBP), which is a voluntary, incentive-based density bonus program that provides enhanced development potential for projects that increase the supply of moderate to lower-cost housing consistent with the requirements of this division. (B) The intent of the AHBP is to financially incentivize new development to include affordable homes or pay fees-in-lieu for affordable homes to: (1) Implement the goals and policies of the Austin Comprehensive Plan and the Austin Strategic Housing Blueprint; (2) Increase housing supply, diversity, and affordability while preserving and enhancing the unique character of the City's neighborhoods; (3) Actively desegregate Austin's neighborhoods and dismantle		Neutral	Needs slight revision	

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		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE		COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE		
				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION			
19.16	Division 23-3E-1 Citywide Affordable Housing Bonus Program		x	AH																No	23-3E-1020 (A)	(A) Applicability (1) The AHBP applies citywide, except in the following zones: (a) Downtown Zones. A density bonus request in the Downtown Core (DC) Zone and Commercial Center (CC) Zone must meet the requirements of Division 23-3E-2 (Downtown Density Bonus Program). (b) University Neighborhood Overlay Zone. A density bonus request in the University Neighborhood Overlay (UNO) Zone must meet the requirements of Section 23-4D-9130 (University Neighborhood Overlay Zone). (c) Planned Unit Development (PUD) Zone. A density bonus request in the Planned Unit Development (PUD) Zone must meet the requirements of Section 23- 4D-8130 (Planned Unit Development	A substantial number of lots are zoned F25. We need to allow F25 participation in our AHBP.		
19.17	Division 23-3E-1			AH																		(d) Former Title 25. A density bonus request in the Former 25 (F25) Zone, established in Section 23- 4D-8100 (Former 25 Zone), shall be subject to the requirements and density bonus incentives, if any, as available under Former Title 25. (2) Requirements for participation in the AHBP are determined based on the zone in which the development is proposed, as provided under Article 23-4D (Specific to Zones). For Former Title 25 (F25) Zone, the Director shall determine which zone in 25-4D most appropriately matches the zoning of former Title 25, and designate by rule which AHBP zone requirements match the F25 zoning.		No	AHBP Not calibrated to F25 zones
19.18	floating units																				23-3E-1030( E)		add language to ensure that the affordable unit occupancy rate is at least similar to the market rate occupancy of that building. And the owner should alert the city to it's vacancy		
19.19	Division 23-3E-1 Citywide Affordable Housing Bonus Program		x	AH																No	23-3E-1080 (E)	(E) The Director shall provide a process for a potential applicant to seek out and receive an early determination for AHBP compliance. Such a determination shall be made by the Director within thirty days of the submission of a complete determination request. If the approved application matches the information submitted in the early determination request, then the determination shall be binding for	An early determination decreases the risk that an applicant may face and lowers the cost of providing affordable homes.	No	
19.20	Division 23-3E-2 Downtown Density Bonus Program																								
19.24	Division 23-3E-2 Downtown Density Bonus Program		X						Jsc											Yes	23-3E-2030 (B)(6)	NHCD Director should not be able to adjust without a proper, third-party calibration study. Applying some sort of index does not accurately reflect market conditions.	23-3E-1070 gives NHCD Director authority to recommend FIL or % units to City Council annually. 23-3E-2030 (B) (6) states that downtown fees may vary by use and district (ok). Claims nine districts, but unclear what those are.	No	
19.25	Division 23-3E-2 Downtown Density Bonus Program		X						Jsc											No	23-3E-2040 (A)(2)	(2) The Design Commission shall evaluate and make recommendations regarding whether the development is in substantial compliance with the City's Urban Design Guidelines and the director shall consider comments and recommendations of the Design Commission.	The Design Commission oversight for compliance with the Urban Design Guidelines was always intended to be an interim solution until design standards were codified, as they will be in CodeNEXT.	No	
19.26	Division 23-3E-2 Downtown Density Bonus Program		X						Jsc											No	23-4E-2040 (B)	(B) Appeal.  (1) An applicant may appeal to the city council the director's determination that the gatekeeper requirements have not been met.  (2) An applicant must appeal the determination within 30 days from the date of the director's denial  (3) An appeal is subject to the procedures set forth in Section 23-2D-1 Conduct of Public Hearings and 23-2D-2 Timing and Location of Public Hearings.	Current code allows applicant to appeal to the City Council if director determines that the gatekeeper requirements have not been met. This proposed language replicate ability to appeal in the current LDC 25-2-586 (J) (1 - 3)	Neutral	
19.23	Division 23-3E-2 Downtown Density Bonus Program		X	GA																No	23-3E-2060(B)	If the applicant chooses to achieve 100 percent of the density bonus by providing community benefits described in Subsection (C) through (strike E and insert) (F), the director may approve the density bonus administratively.	With Amendment this would match current LDC. Does not appear to require "designated review group" for downtown, but does not indicate how projects receive approval for using codified community benefits other than 100% affordable housing. This seems to be an oversight since downtown projects can currently earn density via a menu of options, as long as at least 50% of the bonus area is earned through providing housing on site or paying a fee in lieu.  The only instance that should require PC/Council approval is outlined in section G, in which a project's developer proposes to provide a unique set of community benefits not outlined in code.	No	if the policy is to encourage housing, the procedural incentive to providing housing should remain. Approval of a bonus by right for other benefit (i.e. daycare) doesn't align with housing goals
19.27	Division 23-3E-2 Downtown Density Bonus Program		X	GA	AH				Jsc											No	23-3E-2060 (B)	Administrative Approval. If the applicant chooses to achieve 100 percent of the density bonus by providing community benefits described in Subsection (C) through (strike E and insert) (F), the director may approve the density bonus administratively.	This proposed language replaces the phrase "(C) through (E)" with "C through F." The density bonus program provides alternatives for community benefits including affordable housing, green roofs, music/cultural spaces, provision of day care, etc. This allows administrative approval for any of the community benefits listed in this section to not discourage some kinds of benefits over others. By allowing administrative approval, the need to go to Council and Planning Commission to approve something allowed by code is eliminated, simplifying the process.	No	if the policy is to encourage housing, the procedural incentive to providing housing should remain. Approval of a bonus by right for other benefit (i.e. daycare) doesn't align with housing goals
19.21	Division 23-3E-2		X																		23-3E-2060-E-1-c	A unit is affordable for purchase if the maximum sales price for the unit does not exceed three times the annual income for a household at 120 percent of the MFI...The maximum sales price can be up to 3.5 times the annual income for a household at 120 80 MFI if a household member has completed a City- approved homebuyer counseling of education class.	I think we can do better. 3.5x 120MFI for a one bedroom is \$239,400; 3.5x 80MFI is \$159,600 for a one bedroom; this is comparable to a teacher's salary		



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19.39	Division 23-3E-4 S.M.A.R.T. Housing				GA														SMART								
19.40	Division 23-3E-4 S.M.A.R.T. Housing				GA														SMART								
19.41	Division 23-3E-4 S.M.A.R.T. Housing				GA														SMART								
19.42	Division 23-3E-4 S.M.A.R.T. Housing				GA														SMART								
19.43	Division 23-3E-4 S.M.A.R.T. Housing				GA														SMART								
19.44	Division 23-3E-4 S.M.A.R.T. Housing				GA														SMART								
A-19.44.1	Division 23-3E-4 S.M.A.R.T. Housing			X											TW			SMART	X			please see Exhibits TW SMART HOUSING and TW SIMPLICITY HOUSING BLUEPRINT GOALS	There are a number of general and specific changes outlined in the exhibit				
19.45	Division 23-3E-5 Additional Affordable Housing Incentives																										
19.46	Division 23-3E-5 23-3E-5010 Additional Affordable Housing Incentives			X											TS			AH Incentives	NO			5010 (A)	(A) An applicant who provides income-restricted affordable units, as verified by the Housing Director, may request a parking adjustment from the Planning Director before the site plan is approved under Article 23-4D (Specific to Zones).	This does not have any specifics as to the limits that parking can be adjusted. Delete section.	No		

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19.47	Division 23-3E-5 23-3E-5010 Additional Affordable Housing Incentives			x																				5010(B)(3)(a), (b), (c)	(a) If at least 10 percent, but less than 20 percent, of the dwelling units are equal to or less than 80% MFI reasonably-priced, the maximum cost is reduced by the percentage of affordable units; (b) If at least 20 percent, but less than 50 percent, of the dwelling units are equal to or less than 80% MFI reasonably-priced, the maximum cost is reduced by 50 percent; and (c) If at least 50 percent of the dwelling units are equal to or less than 80% MFI reasonably-priced, no mitigation may be required.	8)3) grants benefits for providing reasonably priced units. What does this mean? I propose following but should be discussed	Neutral			
19.48	Division 23-3E-6 Affordability Impact Statements																													
19.49	23-3F Art, Music, and Culture				GA																			23-3F	please see Exhibit WHITE_EXHIBIT-ART, MUSIC CULTURE Proposed Future CodeNEXT Article 23-3F: Art, Music, and Culture  Both the Imagine Austin Comprehensive Plan and the Code Prescription on Household Affordability reference the need for regulations to sustain and strengthen the music and arts industries and communities. To this end, the CAG recommends developing a future code section that would provide city-wide regulations to promote arts, music, and culture with the goals of: protecting existing assets and promote new ones in areas deficient of art, music, and cultural assets, and supporting housing and jobs for musicians and artists, and sustaining these important elements of Austin's economy.  Proposed Code Additions: 1. Add arts, music culture to the Purpose Statement of General Planning Standards. The current draft of the new Land Development Code for Austin, dubbed CodeNEXT contains the following purpose statement in Chapter 23-3: General Planning Standards for All [1]. The red underlined clause below would add reference to a to-be-written section governing arts, music and culture.	This is the Live Music Capital of the World and we are not doing nearly enough for our artists! We should also consider a density bonus for music venues.				
19.50				x																					This Chapter provides standards and regulations for the following purposes: to provide parkland; to provide for the protection and replenishment of urban forest resources; to provide for the protection of water quality and protection from flooding; to encourage the creation and preservation of affordable housing; and to sustain the local arts, music, and culture communities and industries. These aspects are all essential to the development of a healthy, sustainable and desirable city environment. The interests of the community and the goals of the Comprehensive Plan and Zoning Code are further ensured through the application of this Chapter. 23-3A-1020 Applicability This Chapter applies to all development within the City of Austin and the ETJ. 2. Working with appropriate city boards and stakeholders, develop a new code section to be numbered 23-3F. Provisions for consideration, several of which are already supported by City of Austin Economic Development Department and the City's Arts Commission and Music Commission, are outlined below. 23-3F-1010 Purpose and Intent (A) The purpose of this division is establish general requirements and procedures to sustain the local arts, music, and culture communities and industries and to guarantee that arts, music, and cultural land uses are distributed across the city in an appropriate manner within neighborhoods, along activity corridors, and within neighborhood, town, and regional centers.  23-3F-1020 Artist Live/Work and Live/Work/Sell (A) Allow artists to sell finished goods from their live/work home studios. Specify in which districts a live/work artist may "sell", including performance art. This is an important distinction as multidisciplinary spaces are becoming increasingly common – where both object-based art and experience-based art are being created (i.e. "work") and offered to the public within a single building envelope. 23-3F-1030 Density Bonus Provisions for Art and Music (A) In designated town/regional centers and activity corridors allow density bonus rules to trade greater building entitlements for including art galleries, studio space, live theater, dance performance space, live music venues, or other forms of performance art on the first floor or for preserving an existing an iconic venue on the tract (e.g., Broken Spoke).  23-3F-1040 Art Districts (A) Describe the basis for designating arts districts (similar to that provided for historic districts) in neighborhood plans, neighborhood centers, town centers, and regional centers, and target one or more arts districts per Council District.  23-3F-1050 Theater and Art Venue Scale (A) In establishing capacity rating for theater or arts venue consider how the venue is used in addition to overall size.					
19.51																														

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19.52																										
19.53																										
19.54																										

23-3F-1060 Art, Music, and Culture Nomenclature and Definitions  
 (A) Add explicit definitions that clearly distinguish types of arts/music spaces for flexible and hybrid uses in city ordinances and other regulation (i.e. distinguish terms "gallery", "theater", "studio", "live music venue," etc.).  
 (B) Live Music Venue Use  
 An establishment where live music programming is the principal function of the business and/or the business is a live music destination, and where the venue clearly establishes the ability of an artist to receive payment for work by percentage of sales, guarantee or other mutually beneficial formal agreement.  
 A live music venue is a destination for live music consumers, and its music programming is the primary driver of its business as indicated by the presence of at least five (5) of the following:  
 • defined performance and audience space;  
 • mixing desk, PA system, and lighting rig;  
 • back line (e.g., sound amplification or video equipment for performers on or behind the stage);  
 • at least two of: sound engineer, booker, promoter, stage manager, security personnel;  
 • applies cover charge to some music performance through ticketing or front door entrance fee;  
 • marketing of specific acts through show listings in printed and electronic publications;  
 -----  
 23-3F-1070 Codify of Agent of Change Principle.  
 -----  
 Imagine Austin and Code Prescriptions Support New Code Section Justification for the proposed new code section comes from the Imagine Austin Comprehensive Plan and more recent work done in developing the CodeNEXT draft. Priority Program 5 (among 8 Priority Programs) in the 2012 Imagine Austin Comprehensive Plan is "Grow and invest in Austin's creative economy." A short term (1-3 years) work program item is: "Explore and reimagine existing City development tools, such as incentives, regulations, and financing options, with a focus on creative industries' facility needs. Expand access to affordable and functional studio, exhibition, performance space, museums, libraries, music venues, and office space."  
 -----  
 The proposed new section is also supported by the following policies and priority actions in the Imagine Austin Comprehensive Plan:  
 • Develop regulations to mitigate the sound from live music venues through a collaborative process that includes the City of Austin, musicians, venue operators, property owners, and residents.  
 • Create incentives and programs to preserve iconic and established music venues and performance spaces throughout Austin and its extraterritorial jurisdiction (ETJ).  
 • Expand access to affordable and functional studio, exhibition, performance, and office space for arts organizations, artists, and -----  
 • Explore existing City policies, processes, and regulations regarding the arts to determine what changes can be made to coordinate these with other goals, such as historic preservation, affordable housing, and high-density development.  
 • Incorporate the arts and cultural preservation themes and elements into small area plans, such as neighborhood and corridor plans.  
 • Create incentives, and programs to promote the inclusion of public art into new development. • Encourage artists and other creative individuals by promoting the creation of live/work spaces and creative industry hubs, districts, and clusters as retail, community, or neighborhood anchors and activity generators to attract and support other economic and community enterprises.  
 • Establish incentives and regulations to promote the creation of artists' live/work space in residential areas that allow for limited gallery space. Further, the Code Prescription on Household Affordability written in 2016 in response to the CodeNEXT consultant's Code Diagnosis, specifically addressed affordability impacts to small businesses and the cultural arts in the following three prescriptions:  
 • Allow for compatible retail and commercial uses by right including arts, culture and creative uses such as rehearsal, gallery, studio, performance or exhibit spaces and offices in areas where form-based zones have been applied and a diversity of uses is desired. This includes adequate commercial space allowances in corridors, centers, and in between these areas and neighborhoods.

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19.55																															
19.56																															
19.57																															
<b>Chapter 23-4: Zoning Code</b>			NONE	MINOR	MAJOR																YES/NO	YES/NO									
20	<b>Article 23-4A Introduction</b>																														
20.1	Division 23-4A-1	Purpose		x																											
20.2	Division 23-4A-1	Purpose										JSc												23-4A-1010	This chapter protects and promotes the public health, safety, and general welfare of the public; and implements the Comprehensive Plan. This chapter establishes the land use and building form requirements that are intended to promote compatible land patterns that address the social and environmental values described in 23-1A-						
20.3	Division 23-4A-2	Establishment of Zones		N																											
20.4		Overlay Zones											KM												23-4A-2020(H)	Insert Neighborhood Plan Combining Districts and Neighborhood Cobnservation Combining Districts					
20.5	Division 23-4A-2	Establishment of Zones																							23-4A-2020(H)	Eliminate the Downtown Plan overlay until Small area plan can be completed with funding assistance provided by DAA.					
20.6	Division 23-4A-3	Zoning Map																													

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20.7	Division 23-4A-3	2020	X														TS						Residential Housing Types	NO	2020 A)1)	Residential house-scale (R) zone category includes single-family detached homes, <u>single-family-attached</u> , duplexes, small multiplexes, cottages, row houses, <u>townhouses</u> , and <u>accessory dwelling units</u> (garage apartments or granny flats).	Add other house types.	Yes				
20.8	Division 23-4A-4	How to Use the Zoning Code	C																													
<b>21 Article 23-4B Zoning Administration and Procedures</b>																																
21.1	Division 23-4B-1	Land Use Approvals																														
21.3	Division 23-4B-1	1020 - Conditional Use Permit															TS						Conditional Use Permit	NO	1020 Conditional Use Permit (F)1)	Delete (F)1)	F)1) Land Use Commission may impose conditions such as limits on FAR, setbacks etc. This seems to perpetuate zoning classes with additional conditions like we have now.	No	Intent of text is correct			
21.4	Division 23-4B-1	1020 - Conditional Use Permit															TS						Conditional Use Permit	NO	1020 Conditional Use Permit (F)2)	(2) Late Hours Permit (a) If the Land Use Commission approves a conditional use permit for a bar, nightclub, or restaurant with a late-hours permit or with out-door seating, the having a parking area associated with the use must be a minimum of less than 200 feet from a Residential House-Scale Zone is required to obtain approval of a conditional use permit, unless the use is located within an enclosed shopping center. (b) The Land Use Commission may waive the 200-foot restriction if it finds that the effects of a parking area are sufficiently mitigated based on the criteria in Subsection (E).	Reword to require all bars,nightclubs andrestaurants w/ alcohol that have late night hours and/or outdoor seating that are close to neighborhoods to obtain a CUP. F) 2) Late Hours Permit - This minimum distance should be included in the Division 23-4E-6: Specific to Use section for Bars/NightClubs and Restaurants.	Yes	Language already included in 23-4E-6310 Restaurant; staff would support adding specific to use language for Bars/Nighclub			
21.5		Conditional Use Permits															TW						CUPs		23-4B-1020	please see Exhibit TW Conditional Use Permits	There are a number of general and specific changes outlined in the exhibit					
21.6	Division 23-4B-1	1030 - Minor Use Permit															TS						Minor Use Permit	NO	1030 - Minor Use Permit (C)1)	C) Administrative Review Process (1) Notice of Application. The director shall provide notice of an application for a minor use permit under Section 23-2C-5010 (Notice of Application) and allow parties to submit comments on the application for a period of at least 14 30 days.	C) (1)Admin Review- requires a 14 day public comment period. 30 days is needed.	No	Staff believes timeline is appropriate			
21.7	Division 23-4B-1	1030 - Minor Use Permit																														
21.8	Division 23-4B-1	1030 - Minor Use Permit															TS						Minor Use Permit	NO	1030 - Minor Use Permit (E )	Delete (E )	E) Allows Director to impose conditions same as Conditional Use Permit. Land Use Commission may impose conditions such as limits on FAR, setbacks etc. This seems to perpetuate zoning classes with additional conditions like we have now.	No	Staff supports this disgression			
21.9	Division 23-4B-2	Code Interpretations and Use Determinations																														
21.10	Division 23-4B-2	Code Interpretations and Use Determinations									JSC							JT								23-4B-2030 Use Determinations	(A) Purposes and Applicability. This section establishes procedures for obtaining a determination by the director regarding: (1) The appropriate classification of an existing or proposed land use or activity under Article 23-4D (Specific to Zones); or (2) Whether an existing use or structure is non-conforming under Article 23-2G (Nonconformity).	This section needs to be explained and possibly rewritten or deleted. We seek clarification and understanding of why we need this section included for classified zoning uses and when this determination would come into play. The existing LDC section is for use determinations not particularly defined or classified within the zoning code. Further, Article 23-2G states that a property that is legally nonconforming is appealable to the BOA. The property owner is required to prove a lot of information that they may not have in order to avail itself to the legally nonconforming provisions of CodeNEXT 3.0. This will be costly and in a lot of instances, just not possible, as the information may not be available.				
21.11											Jsc														23-4B-2040 Administrative Appeal	(A) Project Interpretations. A project code interpretation or use determination issued under this division for a particular development application may be appealed to the Board of Adjustment under Article 23-21 (Appeals). If the code interpretation or use determination is not appealed, or is upheld by the Board on appeal, a subsequent decision by the director to approve or disapprove a development application associated with the interpretation or determination may not be appealed under this section. (B) Non-project Interpretations. A non-project code interpretation or use determination issued under this division may be appealed to the Board of Adjustment under Article 23-21 (Appeals). (C) Permitting Decisions. Except as provided in Subsection (A), a decision by the Development Services Director or another responsible director to approve or disapprove a development application because of non-compliance with the zoning code may be appealed to the Board of Adjustment under Article 23-21 (Appeals).	Section 23-4B-2040 Administrative Appeal states that a decision by the Development Services Director or another responsible director to approve or disapprove a development application may be appealed to the BOA under Article 23-21 (Appeals). This is broader than just site development standards under the Zoning Code. This Section should be limited. A development permit that is issued should only be appealable because of non-compliance with the zoning code and the provision of the code not correctly interpreted was the zoning code (not building, fire, electric, etc.).					
21.12	Division 23-4B-3	Zoning Map Designations and Amendments																														
21.13		3100 - Requirement for Approval from 3/4 of Council -															TS						Requirement for Approval from 3/4 of Council -	NO	3100 - Requirement for Approval from 3/4 of Council (A) (2)	(2)The assignment of a Planned Unit Development zoning designation to previously unzoned property if the Land Use Commission recommends denial of the application; or	(A)(2) is the recent Council decision to require disapproval by 3/4 of the Land Use Commission to trigger requirement for approval by 3/4 of Council for PUDs on unzoned property which is a higher bar than PUDs on zoned properties. This was a rule created by Council during the Grove at Shoal Creek PUD hearings and needs to be reconsidered. There is no justification for PUD's related to unzoned properties to be handled any differently than zoned properties. Suggest that this section be deleted so that requirements for all PUDs are equal.	Neutral				
21.14	Division 23-4B-3	Zoning Map Designations and Amendments									Jsc														23-4B-3040 (D)	(1) A zoning map amendment regarding a Historic District Overlay Zone may be initiated by: (a) The Historic Landmark Commission; (b) A petition of the applicants owners of at least 51 percent of the land, measured by land area, in the proposed zone or at least 51 percent of the applicants owners of individual properties in the proposed zone; or		Neutral				
21.15	Division 23-4B-4	Criteria for Variances and Special Exemptions																														

CHAPTER ARTICLE	DIVISION TITLE	A			B										C	D	E		F	G			H					
		DESIRED PROPOSED CHANGES TO D3			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO	STAFF RESPONSE	
21.16	Division 23-4B-4	Criteria for Variances and Special Exemptions											Jsc		JT								23-4B-4010 Purpose and Applicability (A) and (B)	(A) This division establishes review criteria for zoning variances and special exceptions considered by the Board of Adjustment, consistent with the standards regulations of this Title and Chapter 211 (Municipal Zoning Authority) of the Texas Local Government Code. (B) An application for a variance or special exception authorized under this division is subject to the application, notification, and other standards regulations established under Division 23-2F-1 (Variances and Special Exceptions).	The current Land Development Code uses the term "regulations" as it relates to the zoning district. Regulations are laws and are codified. The use of "standards" is problematic because these are not codified law. Standards provide for guidelines, with which compliance is not mandatory. The current language suggests that the BOA would look outside of the zoning code regarding development regulations, which is not consistent with the current Code or State law.	Neutral		
21.17													Jsc		JT								23-4B-4020(B)(1)(c)(iii)	(B) General Findings (1) The Board of Adjustment may grant a variance from a site development standard adopted under this chapter if the Board determines that: (a) The requirement does not allow for a reasonable use of property; (b) The hardship for which the variance is requested is unique to the property and is not generally characteristic of the area in which the property is located; and (c) Development in compliance with the variance does not: (i) Alter the character of the area adjacent to the property; (ii) Impair the use of adjacent property that is developed in compliance with the City requirements; or (iii) Impair the purposes of the standards regulations of the zone in which the property is located.	The current Land Development Code, Section 25-2-474(A)(3), uses the term "regulations" as it relates to the zoning district. The sentence in (iii) of Draft 3.0 is problematic because it uses the word "standards" and these are not codified law. The use of the phrase "impair the purposes of the standards of the zone" in this section could possibly result in a subjective determination by the BOA to not grant a variance. The use of standards is not consistent with the current Code or State law regarding development regulations.			
21.18													Jsc		JT								23-4B-4030 (C) Special Exceptions Required Findings	(C) Required Findings. The Board of Adjustment may shall approve a special exception in compliance with this section if the Board finds that:	The word "shall" is currently used in the Land Development Code, Section 25-2-476 pertaining to special exceptions and this is a change to "may" in Draft 3.0. The wording of "may" in Draft 3.0 infers that the BOA determines that the special exception meets the findings set forth in this section and has discretion to grant a special exception or not and this is not consistent with the currently accepted general practice. Using the word "shall" in this instance is consistent with a quasi-judicial decision that is only appealable to a court. If the wording changes to "may" as it is in this current draft 3.0, and it is discretionary for BOA to grant a special exception, then there is virtually no way to appeal the decision to a court.			
22	Article 23-4C General to all Development																											
22.1	Division 23-4C-1	Large Site Requirements																										
22.2	Division 23-4C-1		x												JSh													
22.3	Division 23-4C-1	1010 - Applicability																					1010 Applicability (C)	(C) A site that is more than one acre but less than four shall comply with Section 23-4C-1030 (Common Open Space). (B) A site that is one or more acres shall comply with Section 23-4C-1030 (Common Open Space).	whats article 23-9H connectivity? Cant find <b>ADDENDA Common Open Space - A site that is two or more acres shall comply with Section 23-4C-1030 (Common Open Space).</b> Draft 3 reduced the threshold for compliance from 2 acres to 1 acre based on PARD recommendations. PARD also recommended rewording in ADDENDA so that common open space required for all development greater than an acre. PARD did not recommend changing threshold back to 2 acres in latest addenda. This section conflicts with Article 23-4D: Specific to Zones/Table J-Open Space as several zones do not require Common Open Space. PARD contact - Marilyn Lamenesdorf.		PARD does not have an opinion on 1 acre vs 2 acre threshold. It does not review common open space. Current code for Subchapter E is a 2-acre threshold.	
22.4	Division 23-4C-1																											
22.5	Division 23-4C-1	Large Site Requirements		x									Jsc										23-4C-1010	(B) Open Space.  (1) Common. Sites two acres or larger and that have a zone that requires it must comply with the Common Open Space requirements of Section 23-4C-1050 (Common Open Space); and  (2) Civic. Sites four acres or larger and that have a zone that requires it must comply with Civic Open Space requirements of Section 23-4C-1060 (Civic Open Space)."	REFERENCE FOR DISCUSSION; SPACE 1. CIVIC. Open space that is available for use by the public, and includes, but is not limited to, a plaza, square, park, playground, greenbelt, or similar area. 2. COMMON. A privately-owned outdoor or unenclosed area intended for use by the residents, employees, or visitors to a development. 3. PERSONAL. A privately-owned outdoor or unenclosed area intended for use solely by the individual. Commonly associated with open space required for residents of a multi-family dwelling unit.	Minor update - not every zone requires open space	Yes	agree with clarification of applicability
22.6	Division 23-4C-1	1020 - Internal Circulation			x																		1020 - Internal Circulation (M)(2)	Delete 1020(M)(2)	Requires additional connectivity measures when exceeding over 125 % of parking required. Planning Staff have said that they are only establishing minimum parking requirements, but developers are allowed to provide parking at levels that is established by market. If this is the approach, we should not make it more costly for developers to provide parking they need.	No	Staff supports multi-modal offset with more automobile parking	
22.7	Division 23-4C-1	1030 - Common Open Space																					1030 - Common Open Space	ADD AND RENUMBER (A) General (1) An applicant for a site plan or subdivision must designate common open space that complies with the requirements 23-4C-1030.  (2) An exemption described in this Section does not exempt the development from any applicable parkland dedication required by Article 23-3B (Parkland Dedication) or Civic Open Space required by 23-4C-1040.	Similar to 1040 General Section.	Neutral		

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				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION			
22.8	Division 23-4C:1	1030 - Common Open Space																		1030 - Common Open Space (B)	(B) Amenity Required. A site that is one acre or more shall provide common open space that complies with the requirements established in Table 23-4C-1030(A) Open Space and Amenities and the remaining requirements of 24-4C-1030. <del>A site partially complies with this section, if Credit for Common Open Space can be given with approval by Parks Director on no greater than an acre for acre basis, if (1) The site provides civic open space that complies with Division 23-4C-2 (Civic Open Space) excluding fee-in-lieu; or (2) The land dedicated in a recreation easement to the City for parkland dedication complies with Article 23-3B (Parkland Dedication) excluding fee-in-lieu.</del>	The term partially complies is subjective. This allows actual dedicated parkland and civic space to count toward the common space requirements as approved by PARD Director (This may also require Planning Director approval)	No	No to suggested language but staff agrees that "partially complies" needs to be further defined	
22.9	Division 23-4C:1	1030 - Common Open Space																	1030 - Common Open Space (C)(5)	(5) A site that is located <del>outside</del> <u>inside</u> within the Downtown Core (DC) zones and is more than one acre, must provide at least 150 square feet, plus an additional 100 square feet for, each acre of open space. The amount of open space required may not to exceed 1,000 square feet.	Apply this requirement for lower amounts of common open space to DC zones.	No	Staff agrees that this language needs further clarification though do not agree with amendment		
22.10	Division 23-4C:1	1030 - Common Open Space																	1030 - Common Open Space (C)	ADD: 1030(C)(6) A site that is located outside within the Downtown Core (DC) zones and is more than one acre, must provide at least 5% of the gross site area as common open space.	This will align with the 5% of gross site area in Article 23-4D: Specific to Zones/Table J-Open Space and requires all development greater than an acre to provide common open space in all zones 5% of gross site area.	No	Staff agrees with the current text and does not support adding this paragraph		
21.2	Division 23-4C:1	1030 - Common Open Space	x																23-4C-1010	<del>(D) Civic open space that complies with this division may be used to satisfy Section 23-4C-1030 (Common Open Space) if the civic open space is publicly accessible.</del>	Strike this section as it conflicts with the requirements of section 23-4C-1010 as common open space and civic open space are triggered by size of the site and not required at the same time.		See addendum		
22.11	Division 23-4C:1	Large Site Requirements								Jsc									23-4C-1030 Common Open Space	Remove section	Common open space is a requirement to provide an amenity. For the market to deliver moderate income housing, sometimes amenities will need to be cut. Amenities onsite shouldn't be a requirement of the zoning code.	No	Staff does not have policy requirement to remove common open space requirements		
22.12	Division 23-4C:1	Large Site Requirements								Jsc									23-4C-1030 (B)	<del>B) Amenity Required. A site that is one acre or more shall provide common open space that complies with the requirements established in Table 23-4C-1030(A) Open Space and Amenities). A site partially complies with this section, if (1) The site provides civic open space that complies with Division 23-4C-2 (Civic Open Space); or (2) The land dedicated in a recreation easement to the City for parkland dedication complies with Article 23-3B (Parkland Dedication);- (1) The land dedicated in a recreation easement to the City for parkland dedication complies with Article 23-3B (Parkland Dedication), or (2) The land is privately owned and maintained as a park complies with Article 23-3B (Parkland Dedication).</del>	As written, there is no incentive to encourage on-site amenities which may be privately maintained. This recommendation encourages private amenity space which lowers the overall burden placed on public facilities and allows for partial credit towards the open space requirement.		Other open space types apply toward parkland dedication if they are open to the public and meet design standards for their section and for 23-3B		
22.13	Division 23-4C:1	Large Site Requirements								Jsc									23-4C-1030 (B)	<del>B) Amenity Required. A site that is one acre or more, and is not on an Imagine Austin Corridor or within an Imagine Austin Center, shall provide...</del>	Onerous requirements along Imagine Austin corridors and centers will decrease the developable area, impacting rents, affordability and transit-supportive density. This amendment would exempt these areas from requirements of this section.	No	common open space types described in table 23-4C-1030(A) are compatible in urban environments		
22.14	Division 23-4C:1	Large Site Requirements								Jsc									23-4C-1030 (C) (5)	<del>(5) A site that is located outside of the Downtown Core (DC) zones and is more than one acre, must provide at least 150 square feet, plus an additional 100 square feet for, each acre of open space. The amount of open space required may not to exceed 1,000 square feet.</del>	This is an additional ask of land triggered by land already being dedicated for open space and is excessive.	Pending	text needs clarification		
22.15	Division 23-4C:1	Large Site Requirements								Jsc									Delete 23-4C-1030 (E) (4) & (5)	<del>(E) Design Criteria. An area used for common open space shall comply the requirements of this subsection:(1) Unless the land includes sensitive natural resources, a common open space area must be readily accessible and usable.(2) A common open space area must be compact and contiguous unless the common open space is used as a continuation of an adjacent or adjoining trail, connection to a transit station, or specific or unique topographic features that require a different configuration.(3) The surface of the common open space must be suitable for outdoor activities, such as lawn or asphalt for designated recreation areas.(4) Not more than 30 percent of the required common open space may be located on a roof, balcony, or other area above ground level, except as otherwise provided in this section. Required common open space cannot include areas occupied by mechanical equipment or structures not associated with designated recreation areas.(5) Up to 50 percent of the required common open space may be located on a roof, balcony, or other area above ground level, if a minimum of 50 percent of the common open space is located on the roof, balcony, or other area above ground level is designed as a</del>	Sites need to maintain flexibility on where the open space is provided. Removing these sections would allow for it to be on a balcony, roof, or other above ground area.	Neutral			
22.16	Division 23-4C:1	Large Site Requirements								Jsc									23-4C-1030 ADD (I)	<del>(I) 100% of the square feet of on-site parkland or on-site Civic Open Space shall be credited toward the requirement for Common Open Space</del>	Common Open Space shouldn't be required in addition to Civic Open Space and Parkland. Our understanding is that this is the staff intent.	Neutral	Need to revisit "partially complies" language in 23-4C-1030		
22.17		1040 Civic Open Space																	1040 Civic Open Space (B) (3)	<del>(3) An application for a site plan or subdivision is not required to provide Civic open space when the site is i) less than two acres, ii) located within one-quarter mile of a safe pedestrian travel distance of an existing and developed dedicated parkland that is at least one acre, measured from the boundary of the site to the nearest public entrance of the park, and iii) not located in a Park Deficient Area as determined by the Parks and Recreation Department.</del>	There is very little development at the scale of 8 acres. Therefore, this large threshold is too large and will not allow for the code to meet the intent of this section which is to increase the amount of parks and open space from non-residential development. To align with 4)a) should be worded "and each residential lot is within 1/4 mile ..." Need to change "park" to "dedicated parkland." How to measure distance of 1/4 mile? The basis for 1/4 mile must defined in terms of connectivity and be safe and walkable. Refer to section Division 23-4E-6: Specific to Use/6240- Multi-Family. This needs to take into consideration park deficient areas. If there is not a safe route to the Civic Space, then the exemption should not be allowed.		For i), PARD supports the existing 4-acre threshold for civic space, instead of the two acres proposed. PARD supports ii). PARD does not agree with iii). Civic space is not part of the park deficiency map unless it is dedicated as parkland; and is, therefore NOT permanent open space. Civic space provides a design criteria for open spaces on a property. If it is not not parkland, it may go away when the site is redeveloped.		

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				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION			
22.18	Division 23-4C-1 1040 Civic Open Space		x																	1040 Civic Open Space (B) (4) (a) and (b)	(4) An applicant shall locate each residential lot within: (a) one-quarter mile of a safe pedestrian travel distance from existing proposed civic open space if the development is located within the urban core; and (b) a half mile of a safe pedestrian travel distance from existing proposed civic open space if the development is located outside of the urban core	Again, the 1/4 mile must be defined as the distance of a safe and walkable route. Remove "existing" as this for new civic space.	No	no definition for safe pedestrian travel distance or means of measurement	
22.19	Division 23-4C-1 1040 Civic Open Space		x																	1040 Civic Open Space (B) (5)	...at least a quarter acre	missing unit	Yes	erratta	
22.20	Division 23-4C-1 Large Site Requirements			x						Jsc										23-4C-1040	Strike 23-4C-1040 AND all of 23-4C-2	Civic Open Space is a new requirement that heavily overlaps with parkland dedication. For proof, just look at the kinds of civic open space mentioned in the next division: It includes things called parks! Requiring an entirely new on-site parkland dedication requirement when Austin already has one of the strongest parkland ordinances in the state is totally unnecessary.		Civic space is a design standard that requires a publicly accessible location and well-designed open space. It does not require a public easement unless the land is counted for 23-3B.	
22.21	Division 23-4C-1 Large Site Requirements			x						Jsc										23-4C-1040 (A)	(A) General (1) An applicant for a site plan or subdivision that results in one or more parcels greater than 4 acres, must designate civic open space that complies with the requirements of Division 23-4C-2 (Civic Open Space).	This would not require civic open space on parcels less than 4 acres and would allow for better use of density on smaller parcels.	No	the purpose is to work with projects at 4 acres or larger	
22.22	Division 23-4C-1 Large Site Requirements			x						Jsc										23-4C-1040 (B)	(B) Civic Open Space Amounts and Locations(1) Land dedicated to the City to meet the applicable parkland dedication requirements in Article 23-3B (Parkland Dedication) may shall contribute to satisfying the requirements of this section. (2) Except as provided in Subsection (B)(3), an applicant for a site plan or subdivision shall designate at least 10 percent of the net development acreage as civic open space. The net development acreage does not include: street rights-of-way, public sidewalks, required landscaping areas, parkland dedication, land located between the property line and a building setback, water quality features, and detention areas not located within buildings.	This clarifies that civic open space does count towards parkland dedication requirements and redefines the net development acreage as the portion of land where the development actually occurs.	Yes/No	Staff agrees that "may" needs review and will need to coordinate with legal. Staff does not agree with added language and change of net development acreage	
22.23	Division 23-4C-1 Large Site Requirements			x						Jsc										23-4C-1040 (B) (2)	(2) Except as provided in Subsection (B)(3), an applicant for a site plan or subdivision shall designate at least 5 to 10 percent of the net development acreage as civic open space. The net development acreage does include street rights-of-way, water quality and detention features not located in a building, sidewalks, and other features located inside the development acreage.	This section provides how much of the land that civic open space will take away from providing the primary purpose of the site.	No	staff agrees with 10%	
22.24	Division 23-4C-2 Civic Open Space									Jsc															
22.25	Division 23-4C-2 Civic Open Space			x						Jsc										STRIKE 23-4C-2	STRIKE DIVISION	Civic Open Space is a new requirement that heavily overlaps with parkland dedication. For proof, just look at the kinds of civic open space mentioned in this division: It includes things called parks! Requiring an entirely new on-site parkland dedication requirement when Austin already has one of the strongest parkland ordinances in the state is totally unnecessary.		Civic space is a design standard that requires a publicly accessible location and well-designed open space. It does not require a public easement unless the land is counted for 23-3B.	
22.26	Division 23-4C-2 2010- Purpose																			2010- Purpose	Purpose - This division sets the requirements for a wide range of civic open space types that are appropriate for the City. Civic Open Space aligns with Imagine Austin Priority "Use green infrastructure to protect environmentally sensitive areas and integrate nature into the city" and will ensure adequate open spaces are incorporated into mixed use developments creating complete communities.	Revise Purpose Section to show alignment with IA priorities. Marilyn Lamensdorf stated that intent of Civic Spaces is to provide the additional open space needs for commercial development.		PARD has no issue with the revised Purpose for Civic Space. It is intended to be a site design guideline for quality open space and will assist with parkland dedication design if the land doubles for parkland dedication.	
22.27	Division 23-4C-2 2020 - Applicability and Conflict																			2020 - Applicability and Conflict (B)	(B) A required civic open space shall comply with the requirements in this division, Article 23-4D (Specific to Zones) and Division 23-4C-1 (Large Site Requirements).	The tables for Open Space in the 23-4D sections are incorrect and recommend that the civic space section is deleted from each zone table. This along with 2020 (C) will allow residential and mixed use developments to satisfy the residential unit requirements for parkland through 23-3B and provide additional civic space for commercial development through this section.	No	reference to civic open space in zoning is helpful, not sure how it is incorrect	
22.28	Division 23-4C-2 2020 - Applicability and Conflict																			2020 - Applicability and Conflict (C)	(C) parkland dedicated per 23-3B can be used to satisfy the requirements of this division on no more than an acre for acre basis as approved by the Parks and Recreation Department.	The language was not specific enough.	No	staff supports current language  PARD recommends the following clarification: <u>Civic open space that complies with this division and is dedicated to the City via a deed or an easement may be used to satisfy Section 23-3B (Parkland Dedication)</u>	
22.29	Division 23-4C-2 Civic Open Space									Jsc										23-4C-2020 Applicability and Conflict (D)	(D) Civic open space that complies with this division may be used to satisfy Section 23-4C-1030 (Common Open Space) if the civic open space is publicly accessible.	Strike this section as it conflicts with the requirements of section 23-4C-1010 as common open space and civic open space are triggered by size of the site and not required at the same time.		Other open space types apply toward parkland dedication if they are open to the public and meet design standards for their section and for 23-3B	
22.30	Division 23-4C-2 2050 - Civic Open Space Standards																			2050 - Civic Open Space Standards	ADD (F) Parks and Recreation Department shall approve final civic open space type provided based on park and open space needs in the area and Civic Open Space shall comply with Parks and Recreation Department Operating Procedures.	Civic Open Space should comply with PARD Operating Procedures and final park typology should have PARD approval.	No	PARD has discretion over parkland dedication  PARD will only review other open space types if they are being used for parkland dedication. Otherwise DSD will review. This is current practice.	
22.31	Division 23-4C-2 Civic Open Space									Jsc		JT								23-4C-2050 (D) Parking Requirements	(D) Parking. The director shall require a specific number of parking spaces for a civic open space that is more than five acres			PARD does not require parking spaces for Pocket and Neighborhood parks. PARD and DSD have a parking agreement related to Recreation Uses. Therefore, this reference could be deleted to default to the Recreation use parking requirements in the 23-4D tables. However, Residential House Scale and Residential Multi-Unit tables 23-4D-2040 (A) and 23-4D-3040 (A) need to be changed to Recreation: As determined by the Planning Director. Entertainment: 1 per 100 sf.	

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22.32	Division 23-4C-2	2050 - Civic Open Space Standards																					2050 - Civic Open Space Standards (D)	(D) Parking. The minimum parking requirements shall comply with 23-4D-8040.	This excludes parking from all of the Civic Open Space Types. It is unlikely that any of the parks will be greater than 5 acres given that this would require a 50 acre development to yield this amount of open space (10% required). The parking should only be exempted when there is other public parking included in the development. 23-4D-8040 is the parking section for parks and specified that the Director will determine parking levels.		See above comment for 22.31	
22.33	Division 23-4C-2	Civic Open Space	x											JT									23-4C-2050 E	Delete (No required shade)	Shade for football fields? Community Gardens?		Shade is preferred and could be awnings, shade structures and/or trees.	
22.34	Division 23-4C-3 (NEW)	Parking Reduction Matrix	x	X	GA																			Include reductions in car parking for items including but not limited to: Meeting TDM requirements: 15% exceeding TDM requirements by 50%: 20% providing indoor bike storage for half of jobs/residents: 5% providing bike maintenance facilities for residential uses: 2% contributing 1/2 cost to a bike share dock (if their coverage area): 3% providing bus passes for residents in a 20 yr agreement: 20% X% affordable housing: (X)% being within a 1/4 mile of a corridor: 15% 1/4 mile of a corridor with a rapid bus: 20% 1/2 mile of a train station or planned train station: 10% 1/4 mile of a TOD: 25%, 1 mile from downtown: 5% fronting a corridor: 20% fronting a corridor with a rapid bus: 30% 1/4 mile of a train station or planned train station: 100% in a parking management district: 15% Adjacent to a parking benefit district: 15% Adjacent to resident permit parking 20% bar, cocktail, or other alcohol permit use: 30% showers for bikers or pedestrians: 15% near under capacity public parking garage: 15%, electric bike charging for 5% of bike parking: 20% within the UNO or south central waterfront overlays, within downtown: 100%	If we are ever going to have a viable transit system then we must allow for developments that look to utilize such modes of transit. We have tools such as parking management districts and residential parking permits to address parking in areas where we look to do so.	No	Staff recommends keeping off street parking adjustments per 23-4E-3060	
23 Article 23-4D Specific to Zones																												
23.1	General		x			x																	All zone allowed use tables	Insert "Live Music Venue" as a use with the same NP/CUP/MUP/P categories as a Performance Venue/Theater, with the same breakdowns for indoor and outdoor, and square footage, in all zones.	Previously Live Music Venue was lumped in with performance venue, which limits alcohol sales to below 50%, which is not consistent with the business model of most music venues. This is the use activation for a definition submitted by Comm. Anderson	Yes	Staff can support the inclusion of Live Music Venue use	
23.2	General		x			x																	Compatibility	In all zones, all instances of properties across alleys must state that the trigger line is based on the Zone of the property across the alley.	Right now D3 reads that compatibility setbacks may start on the property line of the impacted property, not the triggering property. This reverses that clearly.	Yes	language needs to be added that clarifies this point	
23.9	All Zones except RC		x											PS									Compatibility	Restore existing Compatibility Standards	CodeNEXT eliminated protections given to neighborhoods from encroachments of nearby businesses. Restore existing compatibility standards citywide.	No	staff supports the new compatability standard as they are integrated into zoning for D3	
23.20	Division 23-4D-4	Mixed Use Zones			GA																		Compatibility	General	In all the Compatability Setback sections, add "width of alley should be subtracted from the compatibility setback"		Yes	See response on line 23.2
23.211	6060-6080; CC, UC, DC		x																				Compatibility	Table 23-4D-XXXX(B)-Building Placement	tbd	Review setback requirements related to compatibility with Residential House Scale	N/A	comment
A-23.211.1														TN										See Compatibility Exhibits 1-3: "Within 45' of the property line of any zone or use of R4C or lower, a use higher than R4C shall establish a vegetative buffer complying with the Environmental Criteria Manual. Within 25' and 50' of the property line of any zone or use of R4C or lower, the height of buildings is restricted to 25', notwithstanding any other provision of this code. Within 50' and 150' of the property line of any zone or use of R4C or lower, the height of buildings is restricted to 45', notwithstanding any other provision of this code. Within 150' and 225' of the property line of any zone or use of R4C or lower, the height of buildings is restricted to 45', notwithstanding any other provision of this code. However, building heights may reach up to 65' based on the affordable housing density bonus program. Within 225' and 360' of the property line of any zone or use of R4C or lower, the height of buildings is restricted to 65', notwithstanding any other provision of this code. However, building heights may reach up to 85' based on the affordable housing density bonus program."	If there is a "third rail" of Austin zoning politics that is dangerous for anyone (especially elected Council members) to touch, it's probably compatibility. PC needs to have the courage to address compatibility, as well as all other aspects of CodeNext, head on. The bottom line is this: Imagine Austin said our city will both increase density and preserve neighborhood character. Those who argue against either extreme now are just re-litigating IA, which just wastes PC's time. Neither density advocates nor neighborhood character advocates won all they wanted when IA was adopted. So both sides need to stop trying to take a second bite at the apple and re-litigate IA. Density advocates? Y'all lost because IA says to preserve neighborhood character. Neighborhood character advocates? Y'all lost because IA says to add density. The only option that makes sense is for CodeNext to balance between the two. This proposal does exactly that. It's time for everyone to stop demanding ideological purity and reach a pragmatic compromise instead.	No	Staff recommends maintaining D3 recommendations on compatability	
23.133	Division 23-4D	All zones with compatibility setbacks																					Adjust compatibility	Two version of compatibility: 1) Based on a 35 foot single family home built next door to a 50-foot-wide lot; (35' height at 25' distance; 50' height at 50' distance; 65' height at 75' distance; and 80' height at 100' distance); 2) for compatibility imposed on a project utilizing an affordable bonus, the compatibility is based on a 45 foot single family home built next door to a 50-foot-wide lot (45' height at 25' distance; 65' height at 50' distance; 85' height at 75' distance; 105' height at 100' distance).	This bases compatibility on the view of a 5-foot-tall person standing in the middle of their backyard, that would be no more restrictive than their view if a 35' tall single family home was built next door. The compatibility for affordable housing projects is similar, but with a 45' tall home built next door.	No		

CHAPTER ARTICLE	DIVISION TITLE	A		B														C	D	E		F	G		H					
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				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION							
23.3	Division 23-4D All Subsections	x																				Affordable Housing	No	Yes	23-4D	Change Cooperative Housing to P in R1, R2B-E, R3B-C, R4C, RR and MH; Change Cooperative Housing to P in zones R4A-C, RM1A-B; Change Cooperative Housing to P in MH, MS1A, MU3B, MU4	Cooperative Housing would still have to apply with applicable zoning regulations - it's a model that everyone should support.	Yes/No	4 unrelated adults may reside in a house built since 2014 and 6 unrelated adults may reside in a house built before 2014 which is the reason for not recommending P in R zones; Staff agrees that it can be allowed in MU3B and MU4	
23.4	Division 23-4D Use Tables 23-4D-2030(A, B, C)		x																			Day Cares	No		23-4D	Change Day Cares <20 to P in all R zones. Change commercial daycares to MUP in R2B and above, and to CUP below.	Need daycares close to families being served and increase affordability of daycare by removing obstacles	Yes/No	<20 fine with MUP in in R zones - MUP and CUP in D3 due to amount of COs currently restricting day cares; keep Commercial as CUP in residential zone	
23.5	Division 23-4D-1 Purpose																													
23.6				x																		Coops	No		23-4D-1-8	Allow cooperatives by MUP in R1, R2B, R2C, R2D, R2E, R3B, R3C, RR; Allow cooperatives by right in zones R4A, R4B, R4C, RM1A, RM1B, MH, MS1A, MU3B, and MU4		Yes/No	4 unrelated adults may reside in a house built since 2014 and 6 unrelated adults may reside in a house built before 2014 which is the reason for not recommending P in R zones; Staff agrees that it can be allowed in MU3B and MU4	
23.14	Division 23-4D-2 23-4D-2030 Use Tables			x																		Coops and Daycare			x	Make coops MUP in R2B and up. And make Daycares 7-20 MUP in all R zones		No/Yes	Related to Co-Ops: See response on line 23.6 Staff supports daycares 7-20 having an MUP in residential zoning	
23.7	All Zones			x																		Alcohol Sales on-site consumption					Require a CUP for bars, night clubs, brew pubs and distilleries within 1,000' of residential properties.	No	Add specific to use language for Bars/Nightclubs with same language as Restaurants when referring to distance and CUPs	
23.8																						height			ALL R ZONES	Update each district to max height of "35' from top of slab to top of roof" and limit slab height above finished grade"slab height is limited to a maximum of 5' above finished grade and a maximum of 12" above highest finished grade"	Building Height is defined as height from top of slab to top of roof. Slab Height is defined as height from ??? grade to top of slab. Maximum building height is 35' from top of slab to top of roof. in McMansion Zones: Maximum building height is 22' at 5' from the side lot line. Max Building Height increases by 1' for every 1' past 5' from the side lot line. So 23' at 6' from the side lot line and so on, up to the 35' max height limit. Max Slab Height: 5' above finished grade at any point. Max Slab Height can be no more than 12" above the highest finished grade, Pier and beam foundations are not subject to this limit. Max Slab Height does not apply to portion(s) of building footprint over 10% or greater slope of natural grade The same Height Encroachments/Exemptions apply to this as apply to current McMansion tent. Multiple pages: 4D-2 pg. 60 23-4D-2070 through 23-4D-2210: R1-R4 Maximum Height Limit Amendment: Amend maximum height limit.	Yes/No	Okay with 35' overall due to consistency but disagree with other suggestions	
23.10																						FY Imp Cov			ALL R ZONES	delete frontyard impervious regulation		No	purpose is to prevent full front yard pavement - if removed from D3, it will be removing a NP subset from some mcmansion areas, can	
23.11																						pools fountains			ALL R ZONES	Encroachment table for Pools and Fountains • Side street match interior side • Front match rear		Yes	Make pool encroachments same as fountains in all Residential house scale zones	
23.12																						articulation			ALL R ZONES	25-4D-XX Articulation All R zones Recommend articulation requirements removed due to affordability. If motion does not pass, then modify as below Articulation is required for interior lot side walls on additions or new construction that have taller than 15' plate and located within 9' of the side lot line Administrative variance to dimensions allowed to meet unique lot configurations to accommodate trees, slopes, or adjacency issues.		No	In draft 3 where mcmansion already applies	
23.13	Division 23-4D-2 Residential House-Scale Zones																													HLC: ADU up to 1375sf when retaining house
23.16	Division 23-4D-2 23-4D 2151			x																		Small Lot				Add small lot in R3 and R4 of 2,000SF		No	staff supports the current proposal	
23.17	Division 23-4D-2		x																							front parking areas are too limited and forms will create nonconforming to many neighborhood types, add front imp. And more problems, alley only access parking is limiting for multi unit, landscaping "may" be required ??? SEE RESIDENTIAL WORKGROUP COMMENTS!! (ARTICULATION, HEIGHT, USE, FORMS, LOT SIZES, ETC) dont want to duplicate	N/A	commentary		
23.18	Division 23-4D-2 Residential House-Scale Zones			x																		McMansion ordinance update	No	No	The "Lot Size and Intensity" table in all R zones	Strike the line with the maximum FAR and square footage in "Single Family" use (where it exists) and add "0.3 FAR or 1,800 sf".	This updates the McMansion ordinance and extends it to all R zones, limiting the FAR on all single family use to 0.3 FAR. The unlimited or 0.4 FAR for other uses remains.	No	this is change in current policy	



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				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW								BURKARDT
																	GENERAL	SPECIFIC SECTION						
23.35	Division 23-4D-2	Residential House-Scale Zones																23-4D-2 simplify uses maintain; minimum lot sizes in some zones	Remove single-family attached, duplex and ADU. Maintain current lot sizes (minimum 5,750) and minimum width (50') in R1B, R1C, R2A, R2C, R3C, R4A (6,000 - 60' width)	Remove these uses in favor of only referencing dwelling units without respect to their attachment or not per zoning - only per Buildign code. FAR is permitted for any dwelling unit on the lot with the only limitation being 550 SF on the second floor of the rear 1/3 of the lot. per current ADU code. Smaller lot sizes may be incorporated into zones intended to be used in greenfield areas and as implementation for use via the Small Area Planning Process with full public participation. These include R2B, R2D, R2E, R3C, R3D. This amendment provides balance required to achieve the Austin Bargain to allow neighborhoods to maintain existing current zoning while creating new zones for greenfield, areas where the new regulations match current development and for sites identified in a Small Area Planning process.	No	See response on line 23.31		
23.36	23-4D-2	Residential House Scale Zones																23-4D FAR	Maintain .4:1 FAR for most zones while these R3D, R4B and R4C may be up to .6:1. Eliminate the default FAR provisions (2,300 for 5,000 SF lots)	Dfault FAR skews the market to remove modest homes on small lots.	No	2300 is currently instituted for nonconforming lots through variance process, so changing the size from 2300 to 2000 will make more houses nonconforming; brings 7000 lots into conformance with same entitlements they would have today		
23.37	Division 23-4D-2	Lot size minimum															X	Lot Size & Intensity Table; R1B-R2C	replace 5000 with 5750	This reduction inadvertently allows an additional 39,469 lots (lots in this zoning category between 11.5k-10k) to be subdivided leading to increased demolitions and reducing the amount of existing affordable units	No	Staff supports reducing nonconforming lots with 5000 square foot lot; the 39,469 number is erroneous and the correct number is closer to 14,700		
23.38	Division 23-4D-2	Residential House-Scale Zones			X													23-4D-2010	This division establishes the land use and building form requirements for property zoned residential house-scale. The requirements are intended to implement the Comprehensive Plan and address the social and environmental values described in 23-1A-1020, are intended to ensure that proposed development is compatible with existing and future development on neighboring properties. Additionally, the requirements are intended to produce an environment of desirable character, consistent with the Comprehensive Plan and any applicable area plan.	The goals of the Title should guide the goals of this Division. The purpose of zoning should be to implement the adopted Imagine Austin Comprehensive Plan.	Neutral	If one purpose statement is changed, then others may need to be changed also		
23.39	Division 23-4D-2	Residential House-Scale Zones																23-4D-20XX	Table 23-4D-20XX (F) Impervious Cover (2) Frontyard Impervious Cover - Paragraph (2)(e) Amendment: This requirement should be deleted for parking on paved areas only. (e) A motor vehicle may only be parked or stored on driveway or paved parking space.	Comment: The current city requirements are adequate with gravel being an acceptable parking space material.	No	Gravel has issues with clogging storm drains, acts as impervious cover, and by removing E parking would be allowed on grass		
23.40	Division 23-4D-2	Residential House-Scale Zones			X													23-4D-20XX	Table 23-4D-20XX (H) Impervious Cover (2) Front yard Impervious Cover Amendment: Delete Frontyard Impervious Cover in every zone.	Removing this section does not alter the total impervious cover limit on the site. Targets low income / high occupancy tenants, where more vehicles are common. It adds \$1000 cost for preparation of site plan and survey. It can't accommodate site conditions like trees, triggering routine variances. 40% IC limit does not allow more than a single car driveway on a 50' lot.	No	See response on line 23.1		
23.41	Division 23-4D-2	Residential House-Scale Zones																Residential Uses	Remove the following uses and replace with "residence": ADU, Duplex, Single-Family, Single-Family Attached	Agree with Residential Working Group	No	Staff supports maintaining use separation as listed in D3		
23.42	Division 23-4D-2	Use			X													23-4D-2030	replace duplex, single family attached, secondary, ADU; with two family, multifamily	reduce the number of uses to reduce the confusion perpetuated by this code. Rely on the definition of dwelling unit to support the zones.	No	see response on line 23.41		
23.43	23-4D-2	Residential House-Scale Zones																Residential	Allow triplex as a residential use in R3S - R4C and amend the tables in each zone accordingly	This is a logical house scaled use in this zone that is compatible with existing uses.	Yes	R3 staff is open to allowing triplexes, however they would not be allowed to have ADUs; and R4 already allows triplexes through multifamily regulations		
23.44	Division 23-4D-2	2030- Allowed Land Uses and Permit Requirements																Single Family Attached	CHANGE: Single-Family Attached status from "P" to "I" in R2A, R2B, R2C, R3A, R3B.	Change permit status of Single-Family Attached in Specific Zones to not allowed.	No	Staff does not agree with reducing SF attached permissions in D3 as it will be reducing entitlements currently allowed today		
23.45	Division 23-4D-2	Parking Standards																Parking	Home Occupations 1 if clients come to the site, otherwise none required		No	Home Occupation specific to use limits trips to 4, also addendum prohibits retail sales		
23.46	Division 23-4D-2	STR-2			X													uses	why are we including this as a permitted use if we're in the process of fading these out over the next 5 years??			STR type 2 is still a permitted use for 5 more years that the code will be implemented		
23.47	Division 23-4D-2	Residential House-Scale Zones																23-4D-2 & 23-4D-3: R2C Zone	Table (A) Add "Small Lot Single Family Use" and "Small Lot Other Allowed Uses" to table of uses. min. lot size: 2500sf. max lot size: 4999sf min. lot width: 36' Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500sf Table 4D-2120(B) Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5', Rear 10'. Table 4D-2120(C) Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses." Table 4D-2102(G) Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max	36' min width for R2C prevents flag lot resubs of 50' lots. Reduced Building Size from 2300 to 1500sf. Zero side yard setback when adjacent to other small lot uses eliminates need for SF-Attached. The proposed minimum lot size of 2500 sf for small lots is still larger than minimum of 2000 sf in Dallas and would improve affordability outcomes through the city. Reducing minimum lot size extends the current code's by right SF-3 Urban and Cottage Lots. Historically, large minimum lot sizes are a product of Jim Crow laws and should be reduced or wholly eliminated. Small lots allow fee simple ownership instead of requiring a condo regime, which is better for owners and for the city.	No	R2D and R2E are the small lot zones, a new use seems redundant		
23.48	Division 23-4D-2	2030- Allowed Land Uses and Permit Requirements																2030- Allowed Land Uses and Permit Requirements	Co-op Housing - R3A now allowed with CUP, R4A and R4B changed from P to MUP. ADDENDA -now not allowed in R2 where previously was CUP.		N/A	comment		

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23.49	Division 23-4D-2	2030- Allowed Land Uses and Permit Requirements														TS				2030- Allowed Land Uses and Permit Requirements	NO						Group Home Removed.	N/A	comment
23.50	Division 23-4D-2	2030- Allowed Land Uses and Permit Requirements	x													TS				2030- Allowed Land Uses and Permit Requirements	NO						Addenda - allowed cottage court in R4C and removed Townhouses from R4A and R4B.	N/A	comment
23.51	Division 23-4D-2	2040- Parking Requirements (Residential House Scale)														TS				2040 (B) Maximum Number of Parking Spaces	NO		2040 (B)	Delete section 2040 (B)		This conflicts with statements from Planning and Zoning Department that the "market" will determine number of parking spaces even though minimums are established and that developers are allowed to put in as many parking spots as they want.	Yes	Staff agrees with only deleting this language in the Residential House Scale zones; and staff supports changing language in Residential Multi-Unit zones to only apply to non-residential zones	
23.52	Division 23-4D-2	2040- Parking Requirements (Residential House Scale)														TS				2040 (2)(a) and (b)	NO					Definition for Building Façade is different than the one in 23-13. Parking Structure definition in this section is not found in 23-13.	Yes	Staff agrees with only deleting this language in the Residential House Scale zones; and staff supports changing language in Residential Multi-Unit zones to only apply to non-residential zones	
23.53	Division 23-4D-2	2040- Parking Requirements (Residential House Scale)														TS				Table 23-4D-2040(A) (1) Residential Accessory Dwelling Unit - Residential	NO			CHANGE: Accessory Dwelling Unit - Residential (Existing or new construction with existing dwelling unit) --None Required ADD: Accessory Dwelling Unit - Residential (new construction and no existing dwelling unit) - 1 per unit.		Table 23-4D-2040(A) - ADU's do not require parking. ADUs allow 3 unrelated adults and it is incomprehensible that none of these adults would require parking. This should be changed to conform to 23-4E-3020 which requires parking for ADUs unless there is an existing unit.	No	staff supports not requiring parking for ADUs as incentive and furthering affordability capability	
23.54	Division 23-4D-2	2040- Parking Requirements (Residential House Scale)														TS				Table 23-4D-2040(A) (1) Residential	NO			ADD: RR, LA, R1, R2, and any Residential House-Scale Zone adjacent to Public School - 2 per unit		Reduce parking in zones that are intended for areas that are accessible to mixed use and main street zones by walking or biking. Maintain parking levels in other residential zones to prevent off-street parking and maintain safe streets for walking and biking. Furthermore, the occupancy limits for residential dwelling units can be from 4-6 unrelated adults. Consider variance if sidewalks in neighborhood. Request from Public schools to maintain parking adjacent to schools.	No	staff does not support requiring more parking near schools	
23.55	Division 23-4D-2	2040- Parking Requirements (Residential House Scale)														TS				Table 23-4D-2040(A) (1) Residential	NO			ADD: All other Residential House-Scale Zones - 1 per unit		Reduce parking in zones that are intended for areas that are accessible to mixed use and main street zones by walking or biking. Maintain parking levels in other residential zones to prevent off-street parking and maintain safe streets for walking and biking.	N/A	see above	
23.56	Division 23-4D-2	2040- Parking Requirements (Residential House Scale)														TS				Table 23-4D-2040(A)	NO			Bed and Breakfast - 1 plus 0.8 1-per bedroom Cooperative Housing - 1 plus 1 per every 4 2 bedrooms Group Residential - 1 plus 1 per every 3 2 bedrooms		ADDENDA: Adds Group Homes, B&B's, and Co-op Housing. Need to restore to reasonable levels for residential neighborhoods	No	staff supports the parking recommendations in D3 addendum	
23.57	Division 23-4D-2	2100 - 2140; R2A-R2E														TS				Table 23-4D-2040(A)	NO			Change Co-operatives and Group Residential to 1 + 1 per every 2 bedrooms		Addenda reduces parking for Group Homes, B&B's, and Co-op Housing. Need to restore to reasonable levels.	No	staff supports the parking recommendations in D3 addendum	
23.58	Division 23-4D-2	Residential House-Scale Zones																		23-4D-2040(C)(3)(a) Parking requirements for R1-R3					Delete 23-4D-2040(C)(3)(a) & Delete similar text in every zone		Will make thousands of existing homes nonconforming. Limitations on parking locations remove flexibility to accommodate site conditions, such as trees. Rule would require additional IC to get spaces deeper into lot. Pushing parking back into structure leaves less area for units, restricting unit yield. Trades parking for additional units.	No	Incorporated into CodeNEXT from neighborhood plan tool. Suggest changing applicability rather than removing completely.
23.59																				23-4D-2040					Parking requirements 3. B and C is described again in each zone. (at least in R3's This is confusing. Pick a spot, otherwise its inconsistent) OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle 3. B and C is described again in each zone. (at least in R3's This is confusing. Pick a spot, otherwise its inconsistent)			No	Parking structure regulations are different than Frontyard IC limits. Staff does not recommend changing parking.
23.60																				parking					OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle			No	staff supports the parking recommendations in D3 addendum
23.127	Division 23-4D-2	Residential House-Scale Zones														JT				Parking	No	Yes	23-4D-2040		Do not require parking in Residential Zones			No	
23.61	Division 23-4D-2	Residential House-Scale Zones																		Parking					23-4D-2040 R1-R3 Zones: Table 23-4D-211x (F) Impervious Cover (2) Frontyard Impervious Cover - paragraph (2)(e)	(e) A motor vehicle may only be parked or stored on driveway or paved parking space.	Gravel is an accepted parking space material in code. While counted as IC, it is more pervious than concrete and less expensive. Not a problem under current code.	No	See response on line 23.39
23.62	Division 23-4D-2																			Lot Size Brackets for ADUs in RR	No	No	Table 23-4D-2050(A), "Lot Size and Intensity"		Strike the entire row of the table starting with "Accessory Dwelling Unit" and replace with the three rows that begin "Accessory Dwelling Unit" in Table 23-4D-2120(A) (R2C Zone)		There is no reason to not have the standard three ADU size brackets in all zones that allow ADUs.	No	Lot size must be one acre in Rural Residential. Smaller lots are not allowed.
23.63	Division 23-4D-2	Residential House-Scale Zones																		Rural Residential				23-4D-2050	Strike Accessory Dwelling Unit allowed only when participating in Affordable Housing Bonus Program.	Allowing ADUs in RR by right meets the objectives of the Planning Commission - it's unlikely that ADUs will be built in RR with an affordability requirement.	No	NHCD supports accepting in-lieu fee as opposed to on-site affordability.	
23.64	Division 23-4D-2																			Lot Size Brackets for ADUs in LA	No	No	Table 23-4D-2060(A), "Lot Size and Intensity"		Strike the entire row of the table starting with "Accessory Dwelling Unit" and replace with the three rows that begin "Accessory Dwelling Unit" in Table 23-4D-2120(A) (R2C Zone)		There is no reason to not have the standard three ADU size brackets in all zones that allow ADUs.	No	Lot size must be one acre in Rural Residential. Smaller lots are not allowed.



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23.78	Division 23-4D-2 Residential House-Scale Zones		X			FK															residential			23-4D-2 & 23-4D-3: All R3 & R4 Zones, RM1A and RM1B Zones	Table (A) Add "Small Lot Single Family Use" and "Small Lot Other Allowed Uses" to table of uses. min. lot size: 2500sf. max lot size: 4999sf min. lot width: 25' Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500sf Table 4D-2120(B) Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5' or 0 when adjacent to Small Lot Uses, Rear 10'. Table 4D-2120(C) Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses." Table 4D-2120(G) Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max	Zero side setback when adjacent to other Small Lots eliminates need for SF-Attached. The proposed minimum lot size of 2500 sf for small lots is still larger than minimum of 2000 sf in Dallas and would improve affordability outcomes through the city. Reducing minimum lot size extends the current code's by right SF-3 Urban and Cottage Lots. Historically, large minimum lot sizes are a product of Jim Crow laws and should be reduced or wholly eliminated. Small lots allow fee simple ownership instead of requiring a condo regime, which is better for owners and for the city.	No	see response on line 23.47	
23.79	Division 23-4D-2 Residential House-Scale Zones		X			FK															residential			23-4D-2 & 23-4D-3: All R3 & R4 Zones, RM1A and RM1B Zones	Table (A) Delete SF-Attached Use	Small Lot Use replaces SF-Attached Use.	No	see response on line 23.44	
23.80	Division 23-4D-2						CK														Lot Size Brackets for ADUs in R2A and R2B	No	No	Tables 23-4D-2100(A) and 23-4D-2110(A)	Strike the entire rows of the table starting with "Accessory Dwelling Unit" and replace with the three rows that begin "Accessory Dwelling Unit" in Table 23-4D-2120(A) (R2C Zone)	R2A should have the same standard three ADU size brackets in R2A, which is missing the 3500-5000 sq ft. bracket.	No	Appropriate rows listed in table.	
23.81	Division 23-4D-2 2100 - 2140; R2A-R2E		x												TS						Changes to R2A, R2B, and R2C Table A	NO		2100 Table 23-4D-2100(A), 2110 Table 23-4D-2110(A), 2120 Table 23-4D-2120(A)	1) RESTORE Single Family and Duplex - min. width from 45' to 50' , min. Area from 5000' to 5750' 2) DELETE : Single-Attached, Other Allowed Uses	R2 Zones have already been reduced from 7000 s.f. to 5,750 s.f. and now with Draft 3 to 5,000 s.f. with an option to subdivide every lot to 2,500 s.f. This will dramatically change the number of units, from one to four, allowed and negatively alter most single family neighborhoods. 2500' small lot and attached single family should be relegated to the R2D and R2E which are specifically for this purpose. This will encourage tear downs and increase on-street parking which will make our neighborhoods unsafe. Single family attached do not comply with the side setback requirements and 23-4E-7070 does not provide for exemptions.	No	see response on line 23.31	
23.82	Division 23-4D-2 2100 - 2140; R2A-R2E		X												TS						Single Family Attached Side Setback	YES	X	2100 - 2140; R2A-R2E Table 23-4D-XXXX(A)	Add design criteria in 23-4E-6	Single family attached should not be in R2 zones. There are also no design criteria for this house form which will lead to abuse.	No	see response on line 23.44	
23.83	Division 23-4D-2 2100 - 2140; R2A-R2E		x												TS						Single Family Attached Design	NO		2100 - 2140; R2A-R2E Table 23-4D-XXXX(A)		If Single-Family Attached remains as option for R2, ADUs should not be allowed on these smaller subdivided lots.	No	ADUs only allowed on 5000' lot	
23.84	Division 23-4D-2 2100 - 2140; R2A-R2E		x												TS						Front Yard Impervious Cover	NO		2100 - 2140; R2A-R2E Table 23-4D-XXXX(G)	DELETE: (2) Front Yard Impervious Cover	Not clear on reason for this.	No	see response on line 23.1	
23.85	Division 23-4D-2 2100 - 2140; R2A-R2E		x												TS						Common and Civic Open Space	NO		2100 - 2140; R2A-R2E Table 23-4D-XXXX(H)	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed thoroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.	No	see response on line 23.74	
23.86	Division 23-4D-2 2150-2180; R3A-R3D		x												TS						R3A and R3B Uses	NO		2150 Table 23-4D-2150(A), 2160 Table 23-4D-2160(A)	DELETE : Single-Attached and Other Allowed Uses	Keep single-family attached with R3 used adjacent to corridors. What is the purpose of the new use called "other allowed uses." It is not defined and not explained what it will be used for.	no		
23.87	Division 23-4D-2 2150-2180; R3A-R3D		x												TS						Side St. Setbacks	NO		2150-2180; R3A-R3D Table 23-4D-XXXX (B)		Single family attached and do not comply with the side setback requirements and 23-4E-7070 does not provide for exemptions. Add exception to 23-4E-7070.	Yes	Need to add footnote on side setbacks for uses with zero lot lines including single family attached and townhomes.	
23.88	Division 23-4D-2 Residential House-Scale Zones		x			GA															residential	no	no	23-4D-2150 to 2200 Table(A)	For R2-R4 "McMansion" Zones add Note "FAR includes Covered Porches or Balconies above ground level"	Loophole in D3 FAR allows two stories of porches under a finished attic per Chris Allen's drawing. Count 2nd floor porches toward FAR, as they are in current code, to limit attic space, as it is in current code.	No	Changed to simplify McMansion regulations and administration.	
23.89	Division 23-4D-2 Residential House-Scale Zones		x			GA															residential	no	no	23-4D-2150 to 2200 Table (A)	For R2-R4 "McMansion" Zones add Note for Single Family and Duplex Uses "+150sf for each three bedroom unit within 500' of public school."	Incentivizes family friendly housing around AISD schools.	No	suggest remapping instead of altering zones	
23.90	Division 23-4D-2 Residential House-Scale Zones		X			GA	FK														residential			23-4D-2150, 2160, 2170: All R3 Zones	Table (A) Lot Size and Intensity - add footnote +.1 FAR for every unit above Single Family Use	Despite the three-unit capacity, yields will not improve due to FAR limit which is the same as one or two units. Keeping the same FAR for 1 units as for 2 or 3 units does not incentivize building more units. The same .4 FAR for 1, 2 or 3 units is a direct disincentive to build more units versus larger single homes. Current code exemplifies this - 70% demos still 1-1 ratio, not 1-2 despite it being allowed by code. FAR should be increased to encourage more units on the lot. If you have the same FAR for more units, it increases the cost to produce those units (more per unit for taps, etc.) versus single family of same size, while raising cost per unit. A small step up would encourage more Missing Middle housing creation.	Neutral	Allowing more FAR for a duplex or single family with an ADU would align these uses with the .6 FAR allowed for cottage court. Would have impact on preservation incentive.	
23.91	Division 23-4D-2 Residential House-Scale Zones		x			GA															residential	no	no	23-4D-2150 to 2200 Table (A, B, C, D, E)	For R2-R4 Zones: within 500' of public school, use RM2B entitlements if 50% of the units are "family-friendly" (1000+ sf and 3+ BR)	Incentivizes family friendly housing around AISD schools. AISD continues to predict student enrollment decreases we need family friendly housing near schools.	No	suggest remapping instead of altering zones	
23.92	Division 23-4D-2 2150-2180; R3A-R3D		x												TS						Front Yard Impervious Cover	NO		2150-2180; R3A-R3D Table 23-4D-XXXX(F) or (H)	DELETE: (2) Front Yard Impervious Cover	Not clear on reason for this.	No	see response on line 23.1	
23.93	Division 23-4D-2 2150-2180; R3A-R3D		x												TS						Common and Civic Open Space	NO		2150-2180; R3A-R3D Table 23-4D-XXXX(G) or (I)	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed thoroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.	No	see response on line 23.74	
23.94	23-4D-2150 R3A																									Minimum Lot Size should be 7,000 w/ width of 60'	Likely existing duplex lots.	no	see response on line 23.31
23.95	Division 23-4D-2 2150-2180; R3A-R3D		x												TS						R3B Lot Size	NO		2160 Table 23-4D-2160(A)	RESTORE Single Family and Duplex - min. width from 45' to 50' , min. Area from 5000' to 5750'	Smaller R3 lots used adjacent to corridors.	no	see response on line 23.31	



CHAPTER ARTICLE	DIVISION TITLE	A		B												C	D	E		F	G		H				
		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE			
				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION					
23.114	Division 23-4D-2 Residential House-Scale Zones		X																	23-4D-21xx: R2C, All R3 & R4 Zones, RM1A and RM1B Zones	Table (A) Add "Small Lot Single Family Use" and "Small Lot Other Allowed Uses" to table of uses. min. lot size: 2500sf.  max lot size: 4999sf min. lot width: 25' Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1850sf Table 4D-2120(B) Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5', Rear 10'. Table 4D-2120(C) Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses." Table 4D-21020(G) Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max	The proposed minimum lot size of 2500 sf for small lots is still larger than minimum of 2000 sf in Dallas and would dramatically improve affordability outcomes through the city. Reducing minimum lot size extends the current code's by right SF-3 Urban and Cottage Lots. Historically, large minimum lot sizes are a product of Jim Crow laws and should be reduced or wholly eliminated. Small lots allow fee simple ownership instead of requiring a condo regime, which is better for owners and for the city.	No	Staff supports proposed R2D, R2E, R4 small lot zones.			
23.115	Division 23-4D-2 Residential House-Scale Zones		X																	23-4D-2140: R2E Zones	R2E Zones	R2E is not needed when combined with R2C. R2E Zone should be deleted in its entirety due to the amendment above regarding Small Lot Uses. R2D, however, must remain to allow new small lot subdivisions.	No	See above			
23.116	Division 23-4D-2 Residential House-Scale Zones		X																	23-4D-2150: R3A Zones	(A) Purpose Residential 3A (R3A) zone is intended for areas that are accessible to mixed use and main street zones by walking or biking within a half mile.	The R3A zone is a residential zone that provides detached housing and duplexes with accessory dwelling units on lots that are wider than those in R3B and R3C. Accessible range needs to further defined in a measurable amount. R3A zone is meant for areas with access to mixed-use and main street zones within walking or biking distance, which is generally accepted to be half a mile. There is no equivalent zoning for R2A 60' lot widths which requires more land for fewer units. R3A is duplicative and thus should be deleted.	No	R3A matches lot size pattern of existing neighborhoods and can be mapped through future small area plans.			
23.117	Division 23-4D-2 Residential House-Scale Zones		X																	23-4D-2150, 2160, 2170: All R3 Zones	Table (A) Lot Size and Intensity - add footnote +.1 FAR for every unit above Single Family Use	Despite the three-unit capacity, yields will not improve due to FAR limit which is the same as one or two units. Keeping the same FAR for 1 units as for 2 or 3 units does not incentivize building more units. The same .4 FAR for 1, 2 or 3 units is a direct disincentive to build more units versus larger single homes. Current code exemplifies this - 70% demos still 1-1 ratio, not 1-2 despite it being allowed by code. FAR should be increased to encourage more units on the lot. If you have the same FAR for more units, it increases the cost to produce those units (more per unit for taps, etc.) versus single family of same size, while raising cost per unit. A small step up would encourage more Missing Middle housing creation.	Neutral	See above			
23.118	Division 23-4D-2 Residential House-Scale Zones		X																	23-4D-2150, 2160, 2170, 2190, 2200, 2210: Side Street Encroachment	Table 23-4D-2xxx (E) Encroachments Encroachment Type Porch, Stoop, Uncovered Steps Side Street (max.)	An 8' side street encroachment for a porch, stoop, or uncovered steps on corner lots in all zones should be allowed within all zones. It provides the same benefit as required porches in front, more pedestrian friendly, and better articulation along the street.	Neutral				
23.119	Division 23-4D-2 Residential House-Scale Zones		X																	23-4D-2150, 2160, 2170, 2190, 2200, 2210: Grade Limit Encroachment	Table 23-4D-2xxx (E) Encroachments Porch, Stoop or Uncovered Steps	In all R-type zones, 3' height above grade limit on an encroachment for porch, stoop or uncovered steps cannot accommodate sloping lots, so the requirement should be deleted.	Yes	Footnote unclear. 3' limit should only apply to uncovered steps. Recommended language: Uncovered Steps may not exceed 3' above ground.			
23.120	Division 23-4D-2 Residential House-Scale Zones		X																	23-4D-2190, 2200, 2210	Table (A) Lot Size and Intensity - add footnote "+.1 FAR for every unit above Single Family Use	If you have the same FAR for more units, it increases the cost to produce those units (taps, etc.) versus single family of same size, while raising cost per unit. It is a direct disincentive to build more units. Current code exemplifies this - 70% demos with the continued 1-1 ratio, not 1-2. A small step up would encourage more Missing Middle housing creation, other regulations keep it from being any more massive than current McMansion limits.	No	Bonus available in R4.			
23.121	Division 23-4D-2 Residential House-Scale Zones		X																	23-4D-2190, 2200, 2210: Building Envelope for R4A and R4B	Table 23-4D-2190(C) Building Form (1) Overall Building Envelope Width (max.) 80' 60'	Change maximum building width to 80' under all R4 zones for consistency and simplicity. Building width is only difference between R4A&B and R4C. Limiting building width limits unit yield. 60' building width maximum is too narrow for wider lots.	No	R4C allows townhomes and therefore wider building.			
23.122	Division 23-4D-2 Residential House-Scale Zones		X																	23-4D-2210: R4C Zone	R4C: Table (C) (2) Building Articulation and (C) (3) Facade(s), Table (D) (1) Primary and Accessory Building, Table (E) (2) Height Encroachment, Table (F) (1) Private Frontage Type	There is not an R4 Zone that does not have McMansion limitations, limiting capacity for newly platted R4 lots. The only difference between Draft 3 R4C and R4A is 15' setback and 80' building width. As proposed here, R4A has 25' front setback with McMansion, R4B has 15' front setback with McMansion, and R4C has 15' front setback without McMansion. R4C should not have front porch requirement as it is not intended to be compatible with McMansion neighborhoods.	No	R4 Zones are designed to be compatible with R2 and R3 in the urban core.			
23.123	Division 23-4D-2 Residential House-Scale Zones		X																	23-4D-2190, 2200, 2210: R4 Cottage Courts	All R4 Zones: Table (A) Lot Size and Intensity: Cottage Court: Minimum 50' lot width Base Standard 4 3 units. i. Minimum 100' lot width Base Standard 8 6 units	Adjusting the minimum lot width and Base Standards units encourages small scale homes over multiplex buildings. These changes allow cottage courts under R4 to have 4 units for 50' minimum width and 8 units for 100' minimum width lots, as is the intent of the zone is to increase unit yield above three per lot. This encourages small scale homes to be built over multiplex buildings.	Neutral	Unlikely to fit 4 or 8 units of the smallest lots sizes respectively.			
23.124	Division 23-4D-2 Residential House-Scale Zones		X																	23-4D-2210: R4C Articulation Diagram	Building Articulation Table	Comment: There is a typo within the Articulation Diagram, so there needs to be an update to match wording.	Yes				
23.126	Division 23-4D-2 Residential House-Scale Zones		X																	23-4D-3	Table 23-4D-3xxx Lot Size and Intensity <del>Bot: Principal dwelling units per acre</del>	There needs to be a deletion of dwelling units per acre for all multi-unit zones. It is a duplicative regulation, given that the scale is already regulated.	?	If referring to RM1A, table corrected in addendum.			
23.128	Division 23-4D-3 Residential Multi-Unit Zones																										UTC: Exempt from Compatibility Standards w/in 1/4 mile of transit/IA corridors



CHAPTER ARTICLE	DIVISION TITLE	A		B													C	D	E		F	G		H			
		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER													EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE		COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE
				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION				
23.139																				Yes	All RM zone uses	Allow "Parking Facility" as a CUP use in all RM zones with the following design requirements specific to this use: (A) Screening: All areas used for parking, storage, waste receptacles or mechanical equipment shall be screened from a triggering property. Such screening may be a fence, berm or vegetation and shall be maintained by the property owner. Fences shall not exceed six feet in height. (B) Lighting: Exterior lighting shall be hooded or shielded so that it is not visible from a triggering property. (C) Noise: The noise level of mechanical equipment shall not exceed 70 db at the property line of a triggering property. (D) Waste: Waste receptacles, including dumpsters, shall not be located within 20 (or 50) feet of a triggering property. The City shall review and approve the location of and access to each waste receptacle. Collection of such receptacles shall be prohibited between 10 pm and 7 am. (E) From a parking structure facing and located within 100 feet of a triggering property: (1) Vehicle headlights shall not be directly visible; (2) Parked vehicles shall be screened from the view of any public right of way; and (3) All interior lighting shall be screened from the view of a triggering property. (F) No vehicle entrances or exits from parking accessible to a MS or	This allows corridor-fronting MS and MU properties to acquire and jointly develop an adjacent RM property to better accommodate parking. The parking must be fully screened and there cannot be an exit to the parking within 100 feet of a triggering property. The idea is to allow the structure to cross the lot line but not have it be externally perceivable or impact nearby residential properties. Conditional Use Permit required to provide review of compliance with these requirements.	No			
23.140																					23-4D-3050	60% impervious cover allowed in RM1A for "Other Use" (more than SF)		No			
23.141	Division 23-4D-3	Residential Multi-Unit Zones																		No	No	23-4D-3050	"Option 1: Eliminate compatibility setback within 1/10 of a mile of an Imagine Austin corridor or Core Transit Corridor."	Multiple pages: 4D-2 pg. 91	No		
23.142	Division 23-4D-3	Residential Multi-Unit Zones																		No	No	23-4D-3050	Require R-Zone Table (D) (1) Primary and Accessory Building and Table (E) (2) Height Encroachment to apply in lieu of compatibility restrictions.	Small RM tracts under RM1A/RM1B would still be undevelopable under CodeNEXT like they are today due to compatibility. Maintains current code standards and provides flexibility to increase unit capacity while maintaining neighborhood character and scale.	No	Support removal of compatibility setbacks but height would need further discussion.	
23.143	Division 23-4D-3	Residential Multi-Unit Zones																		No	No	23-4D-3050	"Option 1: Eliminate compatibility setback, consider changing landscape buffer to semi-opaque. Option 2: 1. Eliminate additional setback if Intermittent Visual Obstruction Buffer (20 ft) is kept 2. Reduce landscape buffer height to 23-4E-4100 (Semi Opaque Buffer, 6 ft) and reduce setback to 15 feet on side and rear 3. Eliminate additional setbacks and just have Semi-Opaque Buffer 4. Change which residential house scale zones trigger compatibility - ie R4A & R4B with MF allowed should not trigger compatibility for other MF"	Compatibility is one of the key drivers of the reduction of housing yield.	No	Option 1 not recommended. Option 2, reducing setback to 15' and requiring more intense buffer, open to discussion (Option 2.2).	
23.144	Division 23-4D-3	Residential Multi-Unit Zones																		No	No	23-4D-3050	Eliminate compatibility setback within 1/10 of a mile of an Imagine Austin corridor or Core Transit Corridor when an affordable housing bonus program is sought.	Multiple pages: 4D-2 pg. 91	No		
23.145	Division 23-4D-3	3050 - 3090; RM1A-RM5B																		NO	3050 - 3110; RM1A-RM3B; Table 23-4D-XXXX(B)(3)(a)	(a) Where a portion of a building is across an alley less than 20 feet in width from a property zoned Residential House-Scale; or is adjacent to a property zoned Residential House-Scale. Then, all structures shall be set back at least 25 feet from a triggering property. minimum setbacks shall be provided along the alley or shared lot line that comply with subsections (b) and (c).	Simplify compatibility requirements. Resulted from ZAP/PC Compatibility working group.	Yes	Staff supports measurement from triggering property line. Recommend 30 ft instead of 25 ft.		
23.146	Division 23-4D-3	3050 - 3090; RM1A-RM5B																		NO	3050 - 3110; RM1A-RM3B; Table 23-4D-XXXX(B)(3)(b)	DELETE: Table 23-4D-XXXX(B)(3)(b) Compatibility Standards	Simplify compatibility requirements. Need to renumber (3)(c). Simplify compatibility requirements. Resulted from ZAP/PC Compatibility working group.	No			
23.147	Division 23-4D-3	3050 - 3090; RM1A-RM5B																		NO	3050 - 3090; RM1A-RM3B; Table 23-4D-XXXX(G), (H) or (I)	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed thoroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.	No	See addendum		
23.148	Division 23-4D-3	Parking and Loading																		no	Section 23-4E-3060 A	(2) Minimum off-street parking requirements shall be further reduced as follows: (a) One space for each on-street parking space located adjacent to the site on a public street, including spaces on Internal Circulation Routes that meet public street standards.	Same language appears in current code but was dropped from latest draft.	No	Removed intentionally.		
23.149	Division 23-4D-4	Parking and Loading																		no	Section 23-4E-3060 A	One space for each on-street metered parking spaced located w/n 250 feet of the site, measured as the shortest practical and legal walking distance to the nearest principal entrance of the site.	One reason for metering parking is to ensure turnover, so that a space will generally be available when need. The council approved this language on first reading on 12/11/14 (Resolution 20131024-058)	No	Parking districts would best implement this reduction.		

CHAPTER ARTICLE	DIVISION TITLE	A		B										C	D	E		F	G	H									
		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE							
				ANDERSON	HART	KAZI	KENNY	MCGRAW	MUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION							
23.150	Division 23-4D-3 Residential Multi-Unit Zones		x																	Multi-Family	No	No	23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate stepback. It's the combination that makes no sense. These clauses need to be looked at together.	In this zone the height is limited to 40 feet and there is a 20 tall landscape buffer, so limiting the building to 2 stories or less than the buffer makes no sense, especially since the height is limited to 2 stories for 25 feet from property line but the setback is 20 ft from side lot and 30 from rear, so you can't even use that.	No			
23.151	Division 23-4D-3 Residential Multi-Unit Zones		x																	Multi-Family	No	No	23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate stepback. It's the combination that makes no sense. These clauses need to be looked at together.	Max height is 40 feet, yet limited to 35 feet until 50 feet from property line and then up to 40. Seems silly given that you can probably get three stories in 35 feet and there is a 20 foot buffer. This is only 5 feet higher than the adjacent SF.	No			
23.152	Division 23-4D-3 Residential Multi-Unit Zones		x																	Multi-Family	No	No	23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate stepback. It's the combination that makes no sense. These clauses need to be looked at together.	Same issue of previous section as the graduated height went up to 100 feet from property line. Applicable to RM2B, RM3A, MU3A&B, MU4A, MS3A, MS3B.	No			
23.153	Division 23-4D-3 Residential Multi-Unit Zones		x																	Multi-Family	No	No	23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate stepback. It's the combination that makes no sense. These clauses need to be looked at together.	Same issue of previous section as the graduated height went up to 50 feet from property line for both MU2A&B and MS2A-C.	No			
23.154	Division 23-4D-3 3050 - 3090; RM1A-RM5B		x												TS					RM2A, RM2B, RM3A, RM4A, and RM5A Compatibility Height Stepbacks	NO	NO	3070 - 3110; RM2A-RM5A; Table 23-4D-XXXX- Height (4) Compatibility Height Stepback	RELOCATE AND MODIFY: Table 23-4D-XXXX ( )- Height (4) Compatibility Height Stepback to new 23-4E-6 Compatibility	Consolidate compatibility requirements.Simplify compatibility requirements. Resulted from ZAP/PC Comatability working group.	No	Staff supports information within each zone.		
23.155	Division 23-4D-4 Mixed-Use Zones																												UTC: Exempt fromComp Std w/in 1/4 mile of transit/IA corridors
23.156	Division 23-4D-4 Mixed-Use Zones		x																	Corridor and Centers	No		23-4D-4 All MU Zones	Increase overall height maximums in all MS zones: MU1A, MU1B: 32' to 52' MU1C, MU1D, MU2A: 45' to 65' MU2B, MU3A, MU3B: 60' to 80' MU4A, MU4B: 60' to 80', 120' with AHBP Bonus MU5A: 100'	In order to properly absorb density along our corridors, we must increase overall height maximums in proposed corridor and center zoning types	No			
23.157			x																	Adjust compability and height for MU1	No	No	MU1A-MU1D	The setback when adjacent to an R zone property is changed to 10 ft for all MU zones. The height is restored to 40'. Stepback heights 10'-20' from lot line are 25', 20'-25' from lot line is 35', and full height is allowed at 30'.	This restores compatibility to more closely mimic a legal single family home next door, restores the entitled height under current zoning, and removes articulation requirements from walls hidden behind a required vegetative screen.	Yes/No	Support reducing setback in MU1A/B which have the same height restrictions as Rzones. In MU1C/D, open to reducing side setbacks.		
23.158	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements	x													TS					Uses	NO		Table 23-4D-4030(A)		ADDENDA: Added Townhouses as permitted use to zones MU3, MU4 and MU5		Commentary		
23.159	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements		x												TS					Uses	NO		Table 23-4D-4030(A)	Assess Criteria for permitting requirements within zones for uses: Bars and Nightclubs, Restaurants w/ alcohol sales, and Restaurants w/ Late Night Operations	See Attached Table Rest&Bars to dicuss changes to P, CUP, MUP permitting and Specific to Use Requirements that should be added. Review Attached Adult Entertainment for Adult Uses in MU4B and MUSB zones.		Commentary		
23.160	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements		x												TS					Bars and Nighclubs, Restaurants Uses	YES		Table 23-4D-4030(A)	Assess Criteria for permitting requirements within zones for uses: Bars and Nightclubs, Restaurants w/ alcohol sales, and Restaurants w/ Late Night Operations	See Attached Table Rest&Bars to dicuss changes to P, CUP, MUP permitting and Specific to Use Requirements that should be added.		Commentary		
23.161	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements		x												TS					Adult Entertainment	NO		Table 23-4D-4030(A)(6)	Change MU4B and MU5B permitting to CUP only	23-4E-6060 permitted aduti entertainment other than an adult lounge	No	Specific to use standards clarifies when use if P vs. CUP.		
23.162	Allowed Uses		x												TW					uses			Table 23-4D-4030 (A)	Senior Housing <12 P & Senior > 12 MUP in MU1A; MU1B; MU1C; MU1D	Allow Senior/ Retirement housing in MU zones; see exhibit Table 23-4D-4030 (A) for more clarity	No	Zones are designed for small buildings.		
23.163	Allowed Uses		x												TW					uses			Table 23-4D-4030 (A)	Micro-Brewery/Micro-Distillery/Winery to CUP in MU1B; MU1D MUP IN MU2B	Micro-Brewery/Micro-Distillery/Winery change to CUP & MUP see exhibit Table 23-4D-4030 (A) for more clarity	Neutral			
23.164	Division 23-4D-4 Mixed-Use Zones		x																	Corridor and Centers	No	No	23-4D-4030 (A)	Allow by right (P) Residential Care Facilities, Senior/Retirement Housing, Work/Live, Library, Museum, or Public Art Gallery, Meeting Facility, Bar/Nightclub, Mobile Food Sales, General Retail Under 5,000 SF, Performance Venue/Theater, Indoor Recreation (all sizes), Cooperative Housing, Group Residential, Manufactured Home, and all sizes of Day Cares to be built within all MU and MS districts.	Permitted uses in MU and MS zones don't seem to have any true methodology governing them.	No			
23.165	Division 23-4D-4 4040 - Parking Requirements		x												TS					Parking	NO		Table 23-4D-4040(A) (4) Office, General (non-medical)	1 per 500 sf after first 2,500 sf	If cars are expected to travel and park related to use, then parking should be provided. ADDENDA has this shown this way.	Yes	Addendum matches suggestion		
23.166	Division 23-4D-4 4040 - Parking Requirements		x												TS					Parking	NO		Table 23-4D-4040(A) (5) Civic and Public Assembly	Public/Private Secondary- 1 space per staff member, plus 1 space for each 3 students enrolled in grades 11 and 12	ADDENDA Changed parking for Public and Private Secondary Schools. Keep at levels in Draft 3.	Yes	Addendum makes parking requirements consistent for schools.		
23.167	Division 23-4D-5 Parking and Loading	x	x																	Parking	No	no	Table 23-4D-4040 A	Provide a 2500 sf exemption in MU similar to exemption in MS zones.	Encourage small businesses in mixed use areas.	No	MS zones intended for more walkable development.		
23.168	Division 23-4D-4 Mixed-Use Zones		x							JSC		JT								Process		No	23-4D-4050 General to Mixed-Use Zones (3)(a)(ii)	(ii) Balconies, pedestrian walkways, porches, accessible ramps, and stoops; provided that no such feature shall extend into the public right-of-way without a license agreement, encroachment agreement, or other appropriate legal document.	Agreements to encroach within a public right-of-way may come in several different forms. The recommended language clarifies that any legal document that authorizes the extension of certain features into public right-of-way, providing any appropriate legal document is presented.	Pending	Needs law review		
23.169	Division 23-4D-4 Mixed-Use Zones		x							JSC		JT								Process		No	23-4D-4060 Mixed-Use 1A (E) Encroachments	Encroachments are not allowed within a right-of-way, public easement, or utility easement, unless a license agreement, encroachment agreement, or other appropriate legal document is in place.	Agreements to encroach within a public right-of-way may come in several different forms. The recommended language clarifies that any legal document that authorizes the extension of certain features into public right-of-way, providing any appropriate legal document is presented.	Pending	Needs law review		

CHAPTER ARTICLE	DIVISION TITLE	A		B										C	D	E		F	G	H						
		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE				
				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION				
23.170	Division 23-4D-4 4060-4160; MU1A - MU5A		x												TS				Compatibility Setbacks	NO	4060 - 4160; MU1A-MU5A; Table 23-4D-XXXX(B)(3)(a)	(a) Where a portion of a building is across an alley less than 20 feet in width from a property zoned Residential House-Scale; or is adjacent to a property zoned Residential House-Scale. Then, all structures shall be set back at least 25 feet from a triggering property. minimum setbacks shall be provided along the alley or shared lot line that comply with subsections (b) and (c).	Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.	No	see above	
23.171	Division 23-4D-4 4060-4160; MU1A - MU5A		x												TS				Compatibility Setbacks	NO	4060 - 4160; MU1A-MU5A; Table 23-4D-XXXX(B)(3)(b)	DELETE: Table 23-4D-XXXX(B)(3)(b) Compatibility Standards	Simplify compatibility requirements. Need to renumber (3)(c). Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.	No	see above	
23.172	Division 23-4D-4 4060-4160; MU1A - MU5A		x												TS				MU2A, MU2B, MU3A, MU3B, MU4A, MU4B, MU5A Compatibility Height Stepbacks	NO	4100 - 4160; MU2A-MU5A; Table 23-4D-XXXX(D)(2)	RELOCATE AND MODIFY: Table 23-4D-XXXX ( ) - Height (4) Compatibility Height Stepback to new 23-4E-6 Compatibility	Consolidate compatibility requirements. Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.	No	see above	
23.173	Division 23-4D-4 Mixed-Use Zones		x			CK													Add Microbrewery and Live Music Venue as permitted use in all MU zones	No	No	All sections	Expands the allowed zones for microbreweries and adds the new live music venue use to all MU zones.	More live music and brewpubs throughout the city.	No	
23.174			x			CK													Adjust compability for MU1	No	No	MU1A-MU1D	Adjust the setbacks and compatibility in all MU1 to mimic R zones; adjust height back to 40', remove articulation when behind a vegetative buffer.	Draft 3 breaks MU1 as a viable zone. This would restore it.	Yes/No	Support reducing setback in MU1A/B which have the same height restrictions as Rzones. In MU1C/D, open to reducing side setbacks.
23.175	Division 23-4D-5 Main Street Zones		x																							UTC: Exempt from Comp Std w/in 1/4 mile of transit/IA corridors
23.176	Division 23-4D-5 Main Street Zones		x			FK													Corridor and Centers	No	23-4D-5 All MS Zones	Eliminate building articulation requirements. E.g. Table 23-4D-5060(C)(2)	Main street buildings are universally placed side-by-side and take up the entire property width to create an active pedestrian experience. Articulation should be eliminated in all MS zones.	No	Articulation requirements were calibrate for the Main Street zones	
23.177	Division 23-4D-5 Main Street Zones		x			FK													Corridor and Centers	No	23-4D-5 All MS Zones	Example: Table 23-4D-5060(C) Building Form 1) Setback (Distance from ROW / Lot Line) [Maximum and minimum front setbacks should be 0']	MS setback requirements currently range from 5-10'. As every foot counts in a pedestrian environment, all MS setbacks should be 0', in line with near universal practice around the world.	No	5' is the minimum required from the utility departments. The intent is still for buildings to be placed at the back of sidewalks	
23.178	Division 23-4D-5 Main Street Zones		x			FK													Corridor and Centers	No	23-4D-5 All MS Zones	Increase overall height maximums in all MS zones: MS1A, MS1B: 35' to 55' MS2A, MS2B, MS2C: 45' to 65' MS3A, MS3B: 60' to 80', 120' with AHBP Bonus	In order to properly absorb density along our corridors, we must increase overall height maximums in proposed corridor and center zoning types	No	The proposed heights would go against the intent of the MS1 and MS2 zones. If there is a desire for a taller MS zone district this is a possibility.	
23.179			x			CK													Adjust compability and height for MS1	No	No	All MS1 zones	The setback when adjacent to an R zone property is changed to 10 ft for all MU zones. The height is restored to 40'. Stepback heights 10'-20' from lot line are 25', 20'-25' from lot line is 35', and full height is allowed at 30'.	This restores compatibility to more closely mimic a legal single family home next door, restores the entitled height under current zoning, and removes articulation requirements from walls hidden behind a required vegetative screen.	No	
23.180			x			CK													Create MS3C, MS4A, and MSSA zones	Yes	No	New sections	Create new MS3C, MS4A, and MSSA zones with 60' of base height bonuses 180' of height, 275', and uncapped, respectfully, with bonus IC/BC of 95/90, uncapped units, and uncapped FAR.	If the CC zone is going to be restricted to downtown, we need MS zoning that goes very high as an option for mapping.	?	Proposed MS zones with taller heights should be limited to IA centers, alternative would be to allow UC in all Imagine Austin centers, noit just Imagien Austin regional centers
23.181	Division 23-4D-5 Main Street Zones		x			AH													Corridor and Centers	No	No	23-4D-5 All MS Zones	Eliminate building articulation requirements. E.g. Table 23-4D-5060(C)(2)	On every main street in the world, main street buildings are placed side-by-side and expand to the entire envelope of the lot, creating an active pedestrian experience. This is best practice. As such, articulation should be eliminated in all MS zones.	No	
23.182	Division 23-4D-5 Main Street Zones		x			AH													Corridor and Centers	No	No	23-4D-5 All MS Zones	Example: Table 23-4D-5060(C) Building Form 1) Setback (Distance from ROW / Lot Line) [Maximum and minimum front setbacks should be 0']	MS setback requirements currently range from 5-10'. As every foot counts in a pedestrian environment, all MS setbacks should be 0', in line with near universal practice around the world.	No	5' is the minimum required from the utility departments. The intent is still for buildings to be placed at the back of sidewalks
23.183	Division 23-4D-5 Main Street Zones		x			FK													Corridor and Centers	No		23-4D-5030	Allow by right (P) Residential Care Facilities, Senior/Retirement Housing, Work/Live, Library, Museum, or Public Art Gallery, Meeting Facility, Bar/Nightclub, Mobile Food Sales, General Retail Under 5,000 SF, Performance Venue/Theater, Indoor Recreation (all sizes), Cooperative Housing, Group Residential, Manufactured Home, and all sizes of Day Cares to be built within all MU and MS districts.	Permitted uses in MU and MS zones don't seem to have any true methodology governing them.	No	Uses in MS zones stagger based on integrating Cos
23.184	Division 23-4D-5 Main Street Zones		x									PS							Parking All Zones except RC			23-4D-2040, 23-4D-3040, 23-4D-4040 23-4D-5040 Parking		Reduced parking citywide will create safety and welfare problems. Applying a citywide rule will damage our neighborhoods and the areas surrounding public/private schools. The neighborhood's welfare damage is from no parking requirements for the first 2,500 sq. ft. adjacent to Main Street uses. AISD has repeatedly requested COA to reinstate Chapter 25 parking requirements around schools for the safety of children. A one-size parking scheme does not work in residential areas outside the City Core with no alternative transportation modes just automobiles. Reevaluate parking requirements.	No	
23.185	allowable uses		x												TW				uses			23-4D-5030(A)	Level 1 Night club & Restaurant w/alcohol sales CUP in MS1B; MS2B; MS2C	see exhibit Table 23-4D-5030 (A) for more clarity	Neutral	
23.186	allowable uses		x												TW				uses			23-4D-5030(A)	Micro-Brewery/Micro-Distillery/Winery CUP in MS1B; MUP in MS2B; MS2C	see exhibit Table 23-4D-5030 (A) for more clarity	Neutral	
23.187	allowable uses		x												TW				uses			23-4D-5030(A)	General Retail >5000 & <10,000 & w/onsite production MUP in MS1B; MS2B; MS2C	see exhibit Table 23-4D-5030 (A) for more clarity	Neutral	
23.188	allowable uses		x												TW				uses			23-4D-5030(A)	Outdoor Formal CUP in MS1A; MS1B; MS2A MS2B; MS2C	Outdoor Formal includes shooting ranges, paintball courses, batting cages etc. see exhibit Table 23-4D-5030 (A) for more clarity	Neutral	

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		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE	
				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION			
23.189	allowable uses		x																	23-4D-5030(A)	Community Agriculture P in MS1A; MS1B; MS2A MS2B; MS2C	I understand having a MUP for the higher intensity MS zones but why would we discourage a community garden if that's what the owners feel is appropriate for the site; see exhibit Table 23-4D-5030 (A) for more clarity	Neutral		
23.190				GA																	The parking requirements for MS zones include a 2,500sf exemption for most uses. (Table 23-4D-5040(A), Parking requirements for MS1A-MS3B.)  The parking requirements for Mixed Use zones do not, except for offices. (Table 23-4D-4040(A) Off-street Parking Requirements for Mixed-Use Zones.)	Solution: Incorporate the 2500sf exemption for MS into MU zones.	No		
23.191	5030 - Allowed Uses and Permitting Requirements		x												TS					Table 23-4D-5030(A)	Assess Criteria for permitting requirements within zones for uses: Bars and Nightclubs, Restaurants w/ alcohol sales, and Restaurants w/ Late Night Operations	See Attached Table Rest&Bars to discuss changes to P, CUP, MUP permitting and Specific to Use Requirements that should be added.	?		
23.192	5040 - Parking Requirements		x												TS					Table 23-4D-5040(A)	For (3) Services-Other Allowed Uses, (4) Office-Office General (non-medical), (5) Civic and Public Assembly -Library, Museum, or Public Gallery , (6) Bars and Nightclubs, (7) Retail, (8) Entertainment and Recreation - add parking requirements back for first 2,500 SF; 1 per 500 SF after first 2,500 SF , none required if <2,500 SF	If cars are expected to travel and park related to use, then parking should be provided. ADDENDA has others that will need to be altered.	No		
A.23.192.1	Parking Requirements		x												TW					23-4D-5040 (D)	(D) Parking Buffer. A 200' parking buffer is required when adjacent to R & RM zones	See exhibit Conditional Uses Permits	Neutral	Addressed by PC Motion 23.28	
23.193	5060-5120; MS1A-MS3B		x												TS					5060 - 5120; MS1A-MS3B; Table 23-4D-XXXX(B)(3)(a)	(a) Where a portion of a building is across an alley less than 20 feet in width from a property zoned Residential House-Scale; or is adjacent to a property zoned Residential House-Scale. Then , all structures shall be set back at least 25 feet from a triggering property. minimum setbacks shall be provided along the alley or shared lot line that comply with subsections (b) and (c).	Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.	No	see above	
23.194	5060-5120; MS1A-MS3B		x												TS					5060 - 5120; MS1A-MS3B; Table 23-4D-XXXX(B)(3)(b)	DELETE: Table 23-4D-XXXX(B)(3)(b) Compatibility Standards	Simplify compatibility requirements. Need to renumber (3)(c). Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.	No		
23.195	5060-5120; MS1A-MS3B		x												TS					5060 - 5120; MS1A-MS3B; Table 23-4D-XXXX(I)	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed thoroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.	No	see above	
23.196	5060-5120; MS1A-MS3B		x												TS					5080 - 5120; MS2A, MS2B, MS3A, MS3B; Table 23-4D-XXXX(D)(2)	RELOCATE AND MODIFY: Table 23-4D-XXXX ( ) - Height (4) Compatibility Height Stepback to new 23-4E-6 Compatibility	Consolidate compatibility requirements.Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.	No		
23.197	Division 23-4D-5 Main Street Zones		x												AH					23-4D-5080/90 (B)(D)	"For each of the sections (a), strike Residential House Scale and add in R1, R2, and R3 into text instead."	Allow missing middle transition zones that don't trigger compatibility corridors.	?		
23.198	Division 23-4D-5 Main Street Zones		x												CK					All sections	Expands the allowed zones for microbreweries and adds the new live music venue use to all MU zones.	More live music and brewpubs throughout the city.	No		
23.199			x												CK					All MS1 zones	Adjust the setbacks and compatibility in all MS1 to mimic R zones; adjust height back to 40', remove articulation when behind a vegetative buffer.	Draft 3 breaks MS1 as a viable zone. This would restore it.	No		
23.200			x												CK					New sections	Create new MS3C, MS4A, and MSSA zones with 60' of base height and increasing bonus height to 275'.	If the CC zone is going to be restricted to downtown, we need MS zoning that goes very high as an option for mapping.	?	Proposed MS zones with taller heights should be limited to IA centers, alternative would be to allow UC in all Imagine Austin centers, noit just Imagien Austin regional centers	
23.201	Division 23-4D-6 Regional Center Zones		x																						Dtwn Comm: 6070(A)(2) Allow Transitional Housing Supportive housing as permitted uses, 6050(B) 0" setbacks, 6050(B) allow 100% IC, increase DC FAR to 12:1 and 6080 2-Star Grm Bldg min.
23.202	Division 23-4D-6 Regional Center Zones		x												GA					Division 23-4D-6	(A) Parking Required. Regional center zones do not require off-street parking.  (B) Decoupling required for residential leases. In a multi-unit dwelling, a parking space must be leased separately from a dwelling unit.	Decoupling in UNO already exists. Helps to allow folks who don't need a car to go without parking. Seattle just passed a similar law city wide where apartments with 10 or more units are required to decouple	Yes	ATD is supportive of such a motion	
23.206	23-4D-6 Regional Center Zones		x												KM					23-4D-6000	Maintain all provisions of the Downtown Plan as it relates to the Judges Hill District	This adopted plan should be respected.	Yes	Draft 3 implements the Downtown Plan	



CHAPTER ARTICLE	DIVISION TITLE	A		B												C	D	E		F	G	H								
		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO	STAFF RESPONSE							
				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION							
23.215	Division 23-4D-6 23-4D-6060(B) Building Placement		X	GA																			Downtown	NO		23-4D-6060(B)	Remove all minimum setbacks for all CC zones. Clarify reference to easements. Note 1 section referenced is Industrial Flex Zones and must be incorrect.	The CC zone establishes a minimum setback of 5 feet on all sites, but the map in the Downtown Plan Overlay Zone described (23-4D-9080 as taken directly from the Downtown Austin Plan) has many streets with 0' setbacks. To simplify and clarify, consider removing the 5-foot minimum setback. This setback can create a significant impediment to development on small sites and does not allow downtown to achieve the density needed for regional centers, as stated in Imagine Austin. DMU zoning, which CC is meant to replace in the new code, does not require any setbacks. Therefore, this new regulation is effectively downzoning (reducing entitlements) as compared to the existing code. Also, Regarding "Additional setback and/or easement may be required where street right of way or utilities easement is required" - where is this addressed in the code? And, at Note 1: section referenced is Industrial Flex Zones and must be incorrect.	Yes	Clarification regarding setbacks in CC zones and Downtown Plan Overlay have been addressed in the addendum.
23.216	Division 23-4D-6 Regional Center Zones		X	GA					JSc														Downtown			23-4D-6060(C) Sub-Zones	CC subzones should allow for these height maximums: Replace CC40 with CC50; Replace CC60 with CC75; Replace CC80 with CC90.	Consider adjusting height limits to better accommodate common floor-to-floor heights. Consider adjusting 40' to 50' (4 floors); 60' to 75' (6 floors), 80' to 90'. Or, consider providing a height limit OR a floor limit. Height limits proposed do not align with common building heights based on standard floor-to-floor heights plus taller retail spaces on first floor. Providing maximum number of floors may be more flexible to limiting building height without penalizing buildings providing generous floor-to-floor heights.	Neutral	Will require a recalibration of the downtown density bonus program and a change to the DAP.
23.217	Division 23-4D-6 Regional Center Zones		X	GA					JSc														Downtown			23-4D-6060(D) Height (1) All Buildings	At (1) All Buildings: Replace CC40 with CC50 (50' overall max height); Replace CC60 with CC75 (75' overall max height); Replace CC80 with CC90 (90' overall max height).	At All Buildings: Consider adjusting height limits to better accommodate common floor-to-floor heights. Consider adjusting 40' to 50' (4 floors); 60' to 75' (6 floors), 80' to 90'. Or, consider providing a height limit OR a floor limit. Height limits proposed do not align with common building heights based on standard floor-to-floor heights plus taller retail spaces on first floor. Providing maximum number of floors may be more flexible to limiting building height without penalizing buildings providing generous floor-to-floor heights.	Neutral	Will require a recalibration of the downtown density bonus program and a change to the DAP.
23.218	Division 23-4D-6 Regional Center Zones		X						JSc														Downtown			23-4D-6060(E) Encroachments	Provide reference to the section that describes the process for "Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement."		No	Process for license agreement resides outside of the LDC.
23.220	Division 23-4D-6 Regional Center Zones		X	GA					JSc														Downtown			23-4D-6060(G): Frontages	Create exception for <1/2 block sites. Either significantly reduce the % gross frontage requirement or change requirement to "net" frontage or only require one block face of the site to comply. Or remove requirement in CC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW.	This requirement (in DC and CC zones and in the Downtown Plan Overlay Zone) is only appropriate for full-block sites. Many, if not most downtown sites, will be unable to comply with the frontage requirements unless all building lobbies are allowed to count towards Commercial Group A compliance. It too restrictive and prescriptive to allow viable development on <1/2 block sites and should be eliminated or relaxed. There is confusion with the frontage requirements.	Neutral	staff would support a motion to reduce maximum for smaller sites
23.221	Division 23-4D-6 Regional Center Zones		X	AH																			Corridor and Centers	No	No	23-4D-6060 (G)	"Table G: For commercial buildings greater than or equal to one-half block width: Except for building support spaces (including as Austin Energy vault, fire pump), entries must be oriented to the street and located at sidewalk level. No ramps or stairs allowed within public right-of-way or front setback. For commercial buildings less than one-half block width: The primary entry must be oriented to the street and located at the sidewalk level. Prior Notes for Clarity: Create exception for <1/2 block sites. Either significantly reduce the % requirement or only require one block face of the site to comply. Or remove requirement in CC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW."	Create exception for 1/2 block sites and reduce requirements for many building support spaces.	Neutral	staff would support exception
23.222	Division 23-4D-6 Regional Center Zones		X						JSc														Downtown			23-4D-6060(H) Impervious Cover	Increase impervious cover and building cover maximums to 100%.	Bring entitlement back to match existing code	Yes	Staff supports aligning CC with current code IC and BC standards
23.223	Division 23-4D-6 Regional Center Zones		X			FK			JSc														Downtown			23-4D-6080 (A) Lot Size and Intensity	Change DC zone FAR max to 12:1.		Neutral	Will require a recalibration of the downtown density bonus program and a change to the DAP.
23.224	Division 23-4D-6 Regional Center Zones		X						JSc														Downtown			23-4D-6080(B) Building Placement	Clarify reference to easements. Note 1 section referenced is Industrial Flex Zones and must be incorrect.	Regarding "Additional setback and/or easement may be required where street right of way or utilities easement is required" - where is this addressed in the code? And, at Note 1: section referenced is Industrial Flex Zones and must be incorrect.	Yes	language referencing IF has been updated to reference the Downtown Overlay 23-4D-9070; full development standards may not be attainable due to the need for additional utility or right of way easements
23.225	Division 23-4D-6 Regional Center Zones		X						JSc														Downtown			23-4D-6080(G): Frontages	Create exception for <1/2 block sites. Either significantly reduce the % gross frontage requirement or change requirement to "net" frontage or only require one block face of the site to comply. Or remove requirement in DC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW. The definition of active commercial uses (Commercial Group A in the Downtown Plan Overlay Zone) needs to be clarified or refined to allow for ground level office or multi-family lobbies. Additionally, revise the requirement that prohibits stairs/ramps in required setbacks to allow them in required setbacks.	More restrictive than LDC. There are no such requirements in existing code.	Neutral	see line 23.220
23.226	Division 23-4D-6 Regional Center Zones		X						JSc														Downtown			23-4D-6080(J) Additional Standards	Add "or at least the minimum level LEED Certification as a substitute for Austin Energy Green Building rating."	Consider allowing LEED certification as a substitute for Austin Energy Green Building rating.	No	Coordination with AE would be required.
23.227	Division 23-4D-6 Regional Center Zones		X						JSc														Downtown			23-4D-6080(K) Additional Compatibility	Add "except for additional setbacks or height stepbacks."	To better align this with 23-4D-6080(B)(2), add "except for additional setbacks or height stepbacks."	No	Section 23-4D-6080(B)(2) has been corrected in the addendum to reflect Downtown Plan Overlay Zone additional setback standards

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				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE				SHAW	BURKARDT		MENDOZA	TEICH			GENERAL	SPECIFIC SECTION
23.228	Division 23-4D-7 Commercial and Industrial Zones																										
23.229	Division 23-4D-7 Commercial and Industrial Zones						CK												Yes	Applicable zones	Breweries and brewpubs in MS and MU districts should be limited to 5,000 barrels per year of production. Breweries with more production should be allowed in all industrial zones, but should not have a cap on their production.	This right-sizes brew pubs for the city, but allows breweries to continue to operate without arbitrary production caps that exist in D3.	No	The staff recommendation of 15,000 barrels for microbreweries falls within national standards for microbreweries/ brewpubs. Large scale breweries are only permitted within the higher intensity industrial zones and are not capped on production			
23.230	Division 23-4D-7 Commercial and Industrial Zones		x																								
23.231	Division 23-13A-2 (Land Uses), Division 23-4D-7 (Commercial and Industrial Zones), Division 23-13A-2 (Land Uses)				GA		CK													23-4D-7030	Sec. 23-13A-2030, "Manufacturing and Storage", change 3(e) ("Brewery/distillery/winery which manufacture more than 15,000 barrels of beverage...") from 15,000 barrels to 5,000 barrels, and move it from "Manufacturing and Storage - Restricted" to "Manufacturing and Storage - General".  Table 23-4D-7030(A), "Allowed Uses in Commercial and Industrial Zones," change Manufacturing and Storage - General from not allowed to CUP in Commercial Recreational, and from CUP to P Industrial Flex.  Sec. 23-13A-2030, "Micro-Brewery/Micro-Distillery/Winery," change "15,000 barrels" to "5,000 barrels".  Sec. 23-4E-6220(B), "Requirements for a Brewery/Winery/Distillery," change: (1) Allowed. The sale of beer, ale, wine, or distilled liquor produced on-site for on-site consumption must comply with Section 4-9-4 (Minimum Distance from Certain Uses).	This addresses a problem in Draft 3 that incorrectly distinguishes between microbreweries and breweries and is then overly prescriptive for microbreweries. The break between microbreweries and production breweries is about 5,000 barrels per year. This amendment changes the break from 15,000 to 5,000. It restores breweries as an allowed use in Industrial Flex, which is where at least one Austin brewery is today but was left out of the zone. It also removes restrictions on micro-breweries with tasting rooms that far exceed bars or restaurants that serve alcohol, and replaces the restrictions with a reference to the city ordinance that governs distance requirements for alcohol sales and restaurants that serve alcohol.	No	See row 23.299			
23.232			x		GA		CK													23-4D-7030	(a) Is an allowed use, if the use is at least 540 feet from any single-family residential use, as measured from lot line to lot line; (b) Is a conditional use, if the use is less than 540 feet from any Residential House Scale Zone, as measured from lot line to lot line; and (c) Except as provided in Subsection (B)(2), must not exceed the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use. (2) On-site Consumption Area (a) During a tour, on-site consumption is allowed in an area that exceeds the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use. (b) If the use is located in Airport Overlay Zones AO-1, AO-2, or AO-3, on-site consumption is allowed in an area that exceeds the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use. (3) Increased Square Footage. During the conditional use permit approval process, the Planning Commission or city council may increase the square footage allowed under Subsection (B)(1)(c).	This addresses a problem in Draft 3 that incorrectly distinguishes between microbreweries and breweries and is then overly prescriptive for microbreweries. The break between microbreweries and production breweries is about 5,000 barrels per year. This amendment changes the break from 15,000 to 5,000. It restores breweries as an allowed use in Industrial Flex, which is where at least one Austin brewery is today but was left out of the zone. It also removes restrictions on micro-breweries with tasting rooms that far exceed bars or restaurants that serve alcohol, and replaces the restrictions with a reference to the city ordinance that governs distance requirements for alcohol sales and restaurants that serve alcohol.	No	See row 23.299			
23.233	7030 - Allowed Uses and Permitting Requirements														TS					Table 23-4D-7030(A)(6)	Bars and Nightclubs not permitted in commercial and industrial zones	N/A	comment				
23.234	7040 - Parking Requirements		x												TS					Table 23-4D-7040(A)	Remove language "after first XXXX SF"	If cars are expected to travel and park related to use, then parking should be provided.	Yes	Removed in addendum.			
23.235	7050-7100; CR, CW, IF, IG, IH, RD														TS					Table 23-4D-XXXX(D) Height	RELOCATE AND MODIFY: Table 23-4D-XXXX ( )- Height (4) Compatibility Height Stepback to new 23-4E-6 Compatibility	Consolidate compatibility requirements. Simplify compatibility requirements. Resulted from ZAP/PC Compatibility working group.	No	Staff supports information within each zone.			
23.236	Division 23-4D-8 Other Zones																										
23.237	Division 23-4D-8 Other Zones				X															Division 23-4D-8	(A) Parking. (1) Except as provided in subsections (A)(2) and (A)(3), the director shall determine the minimum off-street motor vehicle parking requirement and minimum off-street loading requirement for a use allowed in a zone included in this division. In making a determination, the director shall consider the requirements applicable to similar uses, the location and characteristics of the use, and appropriate traffic engineering and planning data. (2) For a property owned by the City, the off-street parking requirement for each use allowed in a zone is determined by the director. (3) A property zoned Former Title 25 shall comply with the parking requirements established in the applicable ordinances and agreements adopted prior to the effective date of this Title. For a property zoned Former Title 25, off-street motor vehicle parking requirements are		No	Staff is not recommending adding new regulations to F25. However, because current parking regulations are outside of Title 25, staff recommends referencing current parking standards in the F25 Section.			





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23.263	Division 23-4D-9 Overlay Zones		X							JSc										Downtown			23-4D-9080(E) Compatibility	Remove this section. Use base zoning compatibility and the mapping of the zones to achieve the intent of the Downtown Austin Plan. If more restrictive requirements are necessary, use a new district planning process to create additional requirements.	At (2) Additional Screening Requirements for a Parking Structure: These requirements will likely be covered in the Criteria Manual for parking garages. If so, remove them from this section to avoid redundancy.	No	Compatibility based on Downtown Austin Plan. Compatibility affects height bonus, cannot be accomplished solely through base zoning.
23.264	Division 23-4D-9 Overlay Zones		X							JSc									Downtown			23-4D-9080(F) (2) Screening	If these requirements will be covered in the Criteria Manual for parking garages, remove them from this section to avoid redundancy.	At (2) Additional Screening Requirements for a Parking Structure: These requirements will likely be covered in the Criteria Manual for parking garages. If so, remove them from this section to avoid redundancy.	No	Recommendation in Downtown Austin Plan.	
23.265	Division 23-4D-9 Overlay Zones		X							JSc									Downtown			23-4D-9080(F) (3) Screening	At (3) Surface Parking Facility: Confirm that surface parking facilities are an allowed use in the affected base zones. See 23-4D-6030 Allowed Uses and Permit Requirements	At (3) Surface Parking Facility: Confirm that surface parking facilities are an allowed use in the affected base zones. See 23-4D-6030 Allowed Uses and Permit Requirements		Parking Facility (which includes surface parking) is CUP per 23-4D-6030.	
23.266	Division 23-4D-9 Overlay Zones										PS								Small Area Plans, NCCDs, Overlays and Neighborhood Plans.					Keep all plans in place through adoption & implementation of CodeNEXT. Then review plans for appropriateness in CodeNEXT context.			
23.267																			Add Coops to UNO overlay	No	No	23-4D-9130	Change "group residential use" to "group residential or cooperative housing use" in divisions (D)(1)(d), (H)(1), (H)(1)(b), (H)(1)(b)(iii), (I)(1), (I)(2), and (I)(5).	Coops seem to have been forgotten in the university overlay. This adds them in wherever group residential is included.	Yes	Staff supports listing "cooperative housing" as an allowed separate use in list due to the changes in use definitions in the draft code.	
23.268	Division 23-4D All RM, MS, MU zones																		Increase affordable bonus entitlements	No	Yes	Applicable zones	Adopt the bonus entitlements recommended by the affordable bonus working group. (See attached table.)	More bonus entitlements got us from 6,000 affordable units to 13,500.		need attachment	
23.269	Division 23-4D-9 Overlay Zones		X																UNO University Neighborhood Overlay			23-4D-9130	For the figure 23-4D-9130(1): 1) increase the max height in the area currently labeled 175' to 275'. 2) for the area UNO area from 26th st to the North, San Antonio to the West, Martin Luther King Jr to the South, and the eastern boundary of the UNO overlay to the East, increase the max height to 275' feet. 3) for the cyan area south of 28th, east of Rio Grande, north of 26th, and west of Guadalupe, increase the max height to 175' 4) for the green area to the north and west of the cyan area, increase the max height to 175' 5) For the 90' area, increase the max height to 120' 6) For the remainder of the current UNO area, increase the max height to 70' with the exception of the pink and the yellow areas which stay the same.		No	Staff not recommending changes to the UNO overlay.	
23.270	23-4D-9130																		UNO University Neighborhood Overlay			Section 23-4D-9130	(E) Requirements for Specific Uses in an UNO zone (1) Multi-Family Residential Use (g) <del>No parking spaces are required. The minimum off-street parking requirement is 40 percent of required minimum parking if the multi-family residential use:</del> (i) <del>includes a car sharing program that complies with the program requirements established by administrative rule; or</del> (ii) <del>in addition to Subsection (i), for at least 15 years from the date the certificate of occupancy is issued, sets aside at least 10 percent of the dwelling units on the site to house persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area.</del>	We know where they're going. Rideshare services. Project team meetings, utilization of campus nights and weekends. This will help with affordability as well as allowing more parcels to be developable.	No	Staff not recommending changes to the UNO overlay.	
23.271	Division 23-4D-9 Overlay Zones		X																Add Coops to UNO overlay	No	No	UNO overlay	Add cooperative housing use to every place where group housing is an allowable use	Coops seem to have been left out of the UNO overlay provisions.	Yes	Staff supports listing "cooperative housing" as an allowed separate use in list due to the changes in use definitions in the draft code.	
23.272	Division 23-4D-9 Overlay Zones																		Overlay Zones	NO	X			MOTION: In that the Planning Commission has so many issues to address with draft 3 of code, I propose that we do not make changes to current overlay zones.			
23.273	7090 - Neighborhood Plan Overlay Zone [Removed in Draft 2]	X																				x	7090 - Neighborhood Plan Overlay Zone [Removed in Draft 2]	Add Neighborhood Plans back as an overlay	The Neighborhood Plan Overlay found in 23-4D-7090 in the first draft has been eliminated. [This is despite a commitment from the CodeNext Team to Council Member Pool to her question #23 posted on-line on 6/24/2017 that "Neighborhood Plans will remain as overlay districts."] Neighborhoods have spent hundreds of hours creating Neighborhood Plans to reflect the values and character of its residents. The latest CN maps disregard many of the elements of the approved Neighborhood Plans and with the removal of the Neighborhood Plan Overlay, these plans will no longer take precedent over the base zoning requirements in CN. In fact, Article 23-2E, Section 2030 Neighborhood Plan Amendments, (H)(7) Director's Recommendation allows the Land Use Director and Land Use Commission to recommend approval of an amendment based on its compliance with the base zoning alone. Furthermore, City Staff's answer to Pool's question #24 as to the future of Neighborhood Plans indicates that the Neighborhood Planning process will be overhauled due to concerns in an audit of the planning process and within the Zucker Report. City Staff's answer clearly puts future and pending neighborhood planning efforts into question.	No	Adopted NPs will still continue to be used as a reference for administering zoning changes and visions in the neighborhoods they cover. Since the plans are visionary and not technically regulatory, they are not overlays to be added into the LDC.

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23.274	ALL USE TABLES		X																	X		Require a CUP for all alcohol uses in or near residential zoning		No	Dtwn Comm: 9080(B) include lobby and other mandated uses. It's unclear how 'in or near' is defined, but many zones limit the sales and consumption of alcohol sales and use. This may be better as a mapping change than a blanket use chart change.		
23.275	Note to all COMMERCIAL USE TABLES	X																		X		"Regardless of base zoning, state and local laws do not allow alcohol sales within 300' of a public school, church or public hospital without a City Council waiver."	For clarity and predictability, add a note to all Use Tables stating:	No	Staff could support adding notation to specific to use		
23.244							CK												No	New section E	(E): In addition to any affordable housing incentives available for zones SF1, SF2, and SF3, lots with those zonings are eligible for the Residential Citywide Affordable Accessory Dwelling Unit Incentive:  (1) In addition to base entitlements, an additional, income-restricted Accessory Dwelling Unit may be built and the size does not count toward FAR limit and the principal use's FAR limit is increased by the size of the income-restricted Accessory Dwelling Unit. When adding an Accessory Dwelling Unit under this incentive, the total dwelling units per lot may not exceed 4.  (2) In taking the incentive, an applicant shall agree to: (a) Continued affordability of all affordable rental units for 10 years, with the affordability period for rental projects begins on the issuance of the last final certificate of occupancy for the development; or (2) Continued affordability of all affordable ownership units for 20 years. The affordability period for ownership units begins on the date of sale for each affordable ownership unit to an eligible buyer.	This adds an affordable ADU to every SF1, SF2, and SF3 lot left in F25.	No	Staff does not recommending adding regulations regarding F25.			
24	Article 23-4E Supplemental to Zones																										
24.1	Division 23-4E-1 Private Frontages																									-	
24.2			X											JSh									confusing diagram, fence heights, porch descriptions, too prescriptive, paths	N/A	comment		
24.3	Division 23-4E-1 Private Frontages																		No	No	23-4E-1040 and 1060	Delete "Stoop"; revise "Porch: Projecting" to stoop minimum dimensions of 5' width (clear) and 5' depth (clear); maintain other porch regulations	The differentiation between stoops and porches seems arbitrary and unnecessarily complicates the code.	Neutral	Porch is intended for areas with front yards while stoops are intended for more urban areas		
24.4	Division 23-4E-1 Private Frontages																		No	No	23-4E-1040 (A)	Delete "furniture areas" and "clear path" of travel mandates in Table 23-4E-1040(A)	Overly prescriptive furniture area dimensions; does not allow for flexibility to work around various site conditions like trees. For example, stair leading up a porch to the front door would not be allowed, as the required "furniture area" forces the porch to be offset.	Yes	Okay as long as other demisions are maintained		
24.5																					23-4E-1040 - 1080	C. ... fence that does not exceed FOUR feet....	3' is too short for privacy, safety, and can cause conflicts between codes... this is fence not a handrail - change to 4'	Neutral	3' is to ensure an aesthetic fence, but staff could be okay with 4' if it's the desire of a front fence to provide more safety		
A-24.5.1	porches																			X			Allow Engaged Porches open only on one side. The restriction that an Engaged Porch must be open on two sides prohibits an architectural strategy to recess the porch entirely in the front façade, with interior spaces projecting on either side (similar to the Stoop frontage). This architectural strategy is not incompatible with other frontages in residential zones and maintains a similar street frontage. Therefore, this type of porch should be allowed. The code should not dictate architectural style.				
24.6	Division 23-4E-2 Outdoor Lighting																									-	
A-24.6.1																					X		Environmental Commission recommendation that staff draft provisions to address light pollution.				
24.7	Division 23-4E-3 Parking and Loading																									-	
24.8	Division 23-4E-3 Parking and Loading																			Yes		Remove all parking minimums	Places as diverse as Mexico City and Buffalo NY are dropping parking requirements. Just like downtown Austin (where there are no requirements) it doesn't mean parking doesn't get built. Just that developers let the market determine how many to build.	No	maintaining parking minimum is part of the Austin Bargain		
A-24.8.1	Parking and Loading																			X			Consider scalable Parking Lot Landscaping standards. The Parking Lot Landscaping standards, particularly the Tree Island frequency standard, are too restrictive for small-scale, low-intensity Mixed-Use and Main Street zones. For these smaller lots, a parking lot may only need nine or ten spaces, but the Tree Island frequency requirement of every 8 parking spaces may result in the loss of area for a parking space within the width of the lot. At this scale, the loss of even one parking space can be detrimental to development, and the addition of Impervious Cover for the drive-aisle to access spaces further away is significant. Moreover, developments of this scale are most often in well-developed neighborhoods where mature trees exist along the side property lines. A proximity standard may be more appropriate.				
24.9	3020 - Applicability																					X					
		X																									

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24.10	Division 23-4E-3 Parking and Loading			x										JT									23-4E-3050	Add the following language from current code on CBD/DMU Parking: Except for a use occupying a designated historic landmark or an existing building in a designated historic district, off-street motor vehicle parking for persons with disabilities must be provided for a use that occupies 6,000 square feet or more of floor space under the requirements of this paragraph. (a) The following requirements apply if no parking is provided for a use, other than parking for persons with disabilities: (i) the minimum number of accessible parking spaces is calculated by taking 20 percent of the parking required for the use under Appendix A ( Tables of Off-Street Parking and Loading Requirements ) and using that result to determine the number of accessible spaces required under the Building Code. The accessible spaces may be provided on- or off-site, within 250 feet of the use. (ii) The director may waive or reduce the number of accessible spaces required under Paragraph (2)(a)(i) if the applicant pays a fee in-lieu to be used by the city to construct and maintain accessible parking in the vicinity of the use.	This is from current code. Require ADA parking if any parking is provided or if loading facility is provided.		
24.11				x										JT										The availability of this option is contingent on the establishment of a fee by separate ordinance and the adoption of a program by the director to administer the fee and establish eligibility criteria. A decision by the director that a use is ineligible for a fee in-lieu is final. (iii) The director may waive or reduce the number of accessible spaces required if no accessible spaces can be provided consistent with the requirements of Paragraph (2)(a)(i) and the use is ineligible for participation in the fee in-lieu program under Paragraph (2)(a)(ii). (iv) An off-site or on-street parking space designated for persons with disabilities that is located within 250 feet of a use may be counted towards the number of parking spaces the use is required to provide			
24.12	3050												JSh										23-4E-3050	Parking for Persons with Disabilities A. A NON-RESIDENTIAL site must have.... B. This references single family and duplex, but if we change ramp requirements then can we eliminate this part? Visitability relation to parking is per the ramp. There is not such a thing residential parking space requirements			
24.13	Division 23-4E-3 Parking for Persons with Disabilities		x												TW								23-4E-3050 -A	A non-residential site must have	leaving it as just a site is too vague and could be interpreted to include residential projects	No	Residential sites are not exempt from visitability requirements, unless staff is misinterpreting the motion
24.14	Division 23-4E-3 Parking for Persons with Disabilities														TW								23-4E-3050-A-3	the number of accessible parking spaces required by the Building Code or one whichever is greater.	We heard very clearly that our community needs accessible parking spaces		
24.15													JSh										23-4E-3060	(B) 2. References 100% reduction in parking. There should never be a full 100% reduction in parking. Handicap parking, car share parking needs to be considered.			HLC:waiver or reduce pkg for maintaining old bldg. UTC:reduce pkg particularly on high transit/IA activity corridors
24.17	3060 - Off-Street Motor Vehicle Parking Adjustments			x											TS								Table 23-4E-3060(A)	CHANGES: Transit Corridor 1/4 mile - 10%, Transit Corridor 1/2 mile - 5%, DELETE OR QUANTIFY - Preservation of Trees, CHANGE Car Share 3 spaces per car share, Buildings Providing Showers - 5%, Affordable Housing Program - Stagger depending on participation 10%, 20%, 30%, 40%	The table provides too great of an adjustment compared to the requirement and many of the requirements are vague and are not quantified. This is especially the case with the AHBP bonus, which should only be allowed when affordable units are actually provided above some threshold.		HLC:waiver or reduce pkg for maintaining old bldg. UTC:reduce pkg particularly on high transit/IA activity corridors
24.18	Division 23-4E-3			x									JSh												if business have no parking, off street load should be required, parking for disability, home occupation ADA, ada for residential vs commercial, parking reduction too much		HLC:waiver or reduce pkg for maintaining old bldg. UTC:reduce pkg particularly on high transit/IA activity corridors
24.16	3060 - Off-Street Motor Vehicle Parking Adjustments														TS								3060 (B)	(B) Maximum Parking Adjustment. (1) Unless the site is part of a TDM program that allows multiple parking adjustments, the maximum cumulative parking reduction is 60% 20%. (2) The maximum cumulative parking adjustment for a site that is part of a TDM program that allows multiple parking adjustments is 100%.	Revert back to draft 2 levels but allow for reasonable increase for TDM. 100% reduction is not practice. TDM programs have not been demonstrated to work at 100% reduction. Consider developments with high levels of affordable housing receiving up to 60%.		HLC:waiver or reduce pkg for maintaining old bldg. UTC:reduce pkg particularly on high transit/IA activity corridors
24.19	Division 23-4E-3 Off-Street Motor Vehicle Parking Adjustments			x											TW								23-4E-3060-B	1- Unless the site is part of a TDM program that allows multiple parking adjustments, the maximum cumulative parking reduction is 60% 20% 3-The maximum cumulative parking adjustment for a site with more than 4 deeply		No	Parking reductions up to 60% is carried forward from current code (needs confirmation).
A-24.19.1	23-9 General (or maybe 23-4E-3060 - Off-Street Motor Vehicle Parking Adjustments?)			x			CK															Yes		Within 1/8 mile of a public K-12 school, the director of transportation may at their discretion create a school parking permit district that restricts parking from 6:30AM to 8:30AM and 2:30PM to 5:00PM on weekdays to 15 minutes, except for permit holders. Permits may be issued to any school district employee who works at the campus triggering the parking permit zone, and to residents at the rate of one per residential unit with a cap of one per 50 feet of frontage for that property. The director must determine that there is a parking shortage during pickup/drop-off times for that campus before creating a district under this section.	This creates space for faculty and staff to park at schools by 1) restricting parking to 15 minutes during school begin and end times except for permit holders; and 2) limiting permit holders to campus staff and faculty and to 1 per residential unit with a cap of one per 50 feet of street frontage.		
A-24.19.2	23-9 General (or maybe 23-4E-3060 - Off-Street Motor Vehicle Parking Adjustments?)			x			CK															Yes	Yes	Residential permit parking districts may not be imposed on both sides of a street.	This addresses parking permit districts around town that provide no spaces for the public on publicly financed and maintained streets.		

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24.20	residential parking process																					X		allow for an easier process by which neighborhoods and streets near MS & MU can receive residential parking requirements	The reduction of the parking by 50% for commercial projects alone will not discourage people from driving. We see this all over South Congress and on E. 6th. I think we should discourage street parking for environmental reasons (actual driving reduction) & for safety reasons (street parking is dangerous for pedestrians and bicyclist). Let's take this one step further and really mean it when we say we want people to drive less. Open to suggestions on how best to incorporate this aspect into the code	No	Staff does not recommend incorporating the RPP program into code.		
24.21	Division 23-4E-3 Parking and Loading		X	GA																			23-4E-3060	23-4E-3060 Off-Street Motor Vehicle Parking Adjustments (A) Simple Parking Adjustments. (1) Table (A) (Simple Parking Adjustments) establishes the adjustments allowed when a site meets the requirements described in the table. (2) <u>Minimum off-street parking requirements shall be further reduced as follows:</u> <u>(a) One space for each on-street parking space located adjacent to the site on a public street, including spaces on Internal Circulation Routes that meet public street standards.</u>	It's in today's code and we need to keep this § 25-6-478 - MOTOR VEHICLE REDUCTIONS GENERAL.  (E) Except for development that does not require a site plan under Section 25-5-2 (Site Plan Exemptions), the minimum off-street parking requirement is reduced by the following amounts: (1) One space for each on-street parking space located adjacent to the site on a public street, including spaces on Internal Circulation Routes that meet public street standards;	No	Parking districts would best implement this reduction.		
24.22	Division 23-4E-4 Parking and Loading		X	GA																			23-4E-3060	(A) Simple Parking Adjustments.  (1) Table (A) (Simple Parking Adjustments) establishes the adjustments allowed when a site meets the requirements described in the table.  (2) <u>Minimum off-street parking requirements shall be further reduced as follows:</u> ..... <u>One space for each on-street metered parking space located within 250 feet of the site, measured as the shortest practical and legal walking distance to the nearest principal entrance of the site. Metered parking spaces may not be counted towards the minimum off-street parking required for residential uses.</u>		No	Parking districts would best implement this reduction.		
24.23	Division 23-4E-3 Parking and Loading																								Eliminate all parking reductions beyond those already in place	Note AISD requests to maintain parking regulations near schools. Note: 2500 SF bars & restaurants near homes w/o parking is not compatible. Using street parking to count for bars is unfair to other businesses and residents. Code Lready allows extensive reductions in parking that are not enforced. Tandem parking results in many cars already on the streets. Vistors and emergency responders have no place to parkIng when streets are crowded. This also impacts trash and bicyclists.	No		
24.24	Division 23-4E-4 Landscape																												
24.25	Division 23-4E4 Landscape		X																							is landscape reqs more onerous and difficult to comply and review? Also says foundation buffer reqd all zones. CC and DC zones currently has no setback. No we have to do landscaping with the new setbacks? Does it all have to have landscape architect? what about small projects? maybe req only for 10k sqft or more projects.	No	landscape requirements are more straightforward and specific to site plan elements being propose, e.g., each element such as front yard planting, surface parking, compatibility buffers, etc., have clear requirements when applicable as opposed to general landscape (streetyard) requirements for every site. Green Stormwater	
24.26																													
A-24.26.1	Front yard Planting reqs		X																			X			Reduce the Front Yard Planting Requirements.	The draft requires significantly more trees than existing Street yard code requirements. There is concern for over-planting and the health of the new trees that are planted if they are spaced too closely together, especially for small lots. Reduce, or make scalable, the Front Yard Planting Requirements.			
24.27																								23-4E-4020	A-1-C. .... single family, duplex, and other residential house scale buildings		Yes	Staff concurs: A-1-C. Change to .... single family, duplex, and other residential house scale buildings	
24.28																								23-4E-4040	B. This section applies to commercial or non-house scale multi-family development that is located adjacent to a public right of way.			23-2A-3040 for 3 to 6 units and under 45% are exempt from site plan.	
24.30	Division 23-4E4 Landscape		X																					23-4E-4040 Landscaping	Exempt CC and DC zones (and any other urban zones) from this section as written (and it is recommended that CC does not require any minimum setback).	Currently no landscape requirements downtown to maximize density, Great Street trees are required.	Yes	per table23-E-4E-4040(A) Front Yard Planting Requirements, there are no Front Yard Planting Requirements. No Change needed	
A-24.30.1	Division 23-4E-4 Landscape		X																					Table 23-4E-4040(A)	Reduce Front Yard Landscaping to 25%	Architects do not design buildings for them to be hidden by landscaping, current requirement is 20%.			
24.29																									23-4E-4050	C. This section applies to <b>commercial</b> zones (says all zones)		Yes	staff agrees: replace "all" with "commercial"
24.31	Division 23-4E-3 Landscape		X																						23-4E-4050	Remove Foundation Buffer because some areas should not have landscaping next to the slabs. Soils engineers are against this on larger buildings.	Architects do not design buildings for them to be hidden, would destabilize soil conditions around foundation, conflicts with AFD Requirements for clear zone for ladders around building	No	Landscape requirements include shrubs, grasses, groundcover, and small trees. These are meant to enhance the architecture of the building and not required as a solid planting against the entire length of the façade, nor directly against the foundation.

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24.32	Division 23-4E-4 Landscape		X									Jsc										23-4E-4060(D)	Remove island every 8 spaces and make it every 10 spaces	Landscape islands at 10 spaces has been standard for decades, onerous and will make redevelopment costly to retrofit parking lots	No	There is no requirement for landscape island at 10 spaces in the current code. The current code requires each parking space to be within 50' of a tree and the tree doesn't have to be within an island. New code requires a maximum of 8 consecutive spaces before a parking tree island is required. This ensures parking lots will have adequate shade from trees spread uniformly throughout the parking lot thereby reducing the Urban Heat Island Effect and fostering more hospitable human conditions within parking lots.
24.33	Division 23-4E-4 Landscape		X									Jsc									23-4E-4060(F)(2)	Modify the 10' landscape islands and make them 9'	Landscape islands have been 9' for decades, 8 is minimum for planting zones, no need to change.	No	Proposed code increases the minimum width for landscaped islands, medians or peninsulas which contain new trees from eight (8) feet to ten (10) feet, measured from the inside of the curb, to help accommodate new minimum soil volume requirements and to provide significant space for the growth of trees planted within these areas.	
A-24.33.1	Street Tree Requirements		x									PS										Per Environmental Commission Recommendation: Reinstate Street Tree Requirements	Reinstate, as written in Draft 2 23-9E-5050 (b)(1, ) which states "the width requirements for street tree planting shall apply regardless of the available right-of-way: the street planting area shall extend onto private property, within a public access easement, to fulfill the width requirement when sufficient right-of-way is not available"			
A-24.33.2	Landscape - General		x									PS										Per Environmental Commission Recommendation:	Recommends that the proposed landscaping requirements be approved, with the following revisions: (1) direct Staff to develop a program to apply the Functional Green scoring system to all landscapes, regardless of impervious cover, to ensure that we are maximizing the benefits to be achieved via landscaping requirements and to ensure simplicity and consistency (2) Revise the width of landscape buffers for compatibility setbacks as follows: (a) intermittent visual obstruction: 15 feet (b) semi-opaque: 15 feet (c) opaque: 15 feet; (3) remove details regarding plant quantities from the draft code and move to Criteria Manual (4) Coordinate with the Water First Task Force to incorporate recommendations that further incentivize requirements for auxiliary water use and beneficial reuse of stormwater for irrigation, with consideration for the need to use potable water during dry periods, especially to help establish new or young vegetation.			
A-24.33.3	Division 23-4E-4 Landscape		X									Jsc									23-4E-4070(A)	A landscape median separates every other parking run on the interior portion of a parking lot.	Current requirements have already reduced the requirement from every third bay to every other bay.			
24.34	Division 23-4E-4 Landscape		X									Jsc									23-4E-4120: Functional Green Requirements.	Requirements of application of Function Green shall be codified including:  What sites are required to comply? To what % are sites required to comply? Which team has review authority over decisions? What is allowed to overlap (trees, water quality, other) and what is not? What land can be used for compliance (private land only, parkland, ROW, easements, etc)?		NA	Following Functional Green regulations are codified: *Applicability: 23-4E4120(C): applies to all sites that proposed an impervious cover total exceeding 80 percent. *Overlap: 23-4E-4120(D): FG landscape plan is required to: 1) comply with all applicable landscape and buffer types; and 2) reach the target score (in ECM). *ROW use: 23-4E-4120(G): Landscape elements may be planted in the ROW. (All plantings on-site can count, Following Functional green rules are in criteria: *Scoresheet *Landscape element list, with directions on how to apply Review by EV Reviewers	
24.35	Division 23-4E-5 Docks, Bulkheads, and Shoreline		C																							
24.36	Division 23-4E-6 Specific to Use																									
24.37	6030 - Accessory Dwelling Unit- Residential		x												TS						6030 (A) Table 23-4E-6030 (A)	Placement (1) If detached, minimum 6'- 10' to the front, rear, or side of the primary structure or above a detached garage; may be connected to the primary structure with a covered walkway;	Restore 10' distance between structures equal to setbacks between adjacent single family units.		HLC: limit bldg size as % of lot or existing bldg.	
24.38	6060 - Adult Entertainment		x												TS						6060 (D)	(D) <del>Allowed:</del> Except as provided in Subsection (E) (1)-An adult entertainment use <del>other than</del> including an adult lounge: (a) <del>is allowed in a MU4B, or MUSA Zone, DC or CC Zone; and</del> (b) <del>is allowed with a conditional use permit in the MU4B, MUSA, DC or CC Zones; and</del> (2) <del>An adult lounge is allowed with a conditional use permit in a MU4B, MUSA, DC or CC Zone.</del>	Require CUP for all adult entertainment.			
24.39	6070- Alcohol Sales		x												TS						6070	CORRECT; Section 4-9-4 (Minimum Distance from Certain Uses.	Added Section 4-9-4 (min. distance from certain uses). This reference number is incorrect-does not exist. As ALCOHOL SALES are defined as <b>The retail sale of alcoholic beverages for off-premises consumption</b> , are distances from certain residential uses required?	No	Section 4-9-4 is the correct reference for the section of the Austin City Code (not part of the Land Development Code or CodeNEXT) governing alcohol sales and City zoning approval of Alcoholic Beverage Licenses by the TABC. City of Austin regulations mirror minimum distance requirements of State Law and prescribe minimum separation from churches, public schools, day care facilities, and hospitals. There is no minimum separation from residential uses. 23-4E-6070 just reiterates that a business selling alcohol must comply with state law and local regulations governing the approval of alcoholic beverage licenses.	

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24.40	Add New Bar/Nightclub Section (there is a def. for Bar/Nightclub)		x													TS						23-4E-6 Specific to Use	ADD AND RENUMBER: 6090 Bars and Nightclubs- (A) Location Restrictions. A use that includes the sale of alcohol must comply with Section 4-9-4 (Minimum Distance from Certain Uses). (B) Late-Hours Permit. A restaurant operating late at with a late-hours permit from the Texas Alcoholic Beverage Commission requires a conditional use permit if it is located within 200 feet of a Residential House Scale Zone. The distance is measured to the lot line. (C) Bar or Nightclub with outdoor seating must be a minimum of 200 feet from a Residential House-Scale Zone, unless the use is located within an enclosed shopping center. (D) Live Entertainment. Live entertainment is allowed if the amplified sound does not exceed 70 "A"-weighted decibels, measured at the property line of the licensed premises. In this subsection, "premises" has the meaning ascribed to it in the Texas Alcoholic Beverage Code.	include same requirements for restaurants serving alcohol w/ late hours for bars and nightclubs. Need correct reference for 4-9-4	Yes	Staff has agreed the Specific to Use article needs a Bar/Night Club section that includes the same language regarding CUPs and distance from certain uses, same as Restaurant currently has
24.41	Cooperative Housing		x													TS						23-4E-6 Specific to Use		Need standards for co-operative housing.		specific language is needed for staff to review on whether we agree or disagree
24.42	6160 - Duplex		x													TS						6160	ADD:(D) Duplex units are subject to the following requirements: (1) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that: (a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and (b) maintains a straight line for a minimum of four foot intervals or segments. (2) The two units must have a common roof. (3) At least one of the two units must have a front porch that faces the front street and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate street and an entry to the dwelling unit. (4) The two units may not be separated by a breezeway, carport, or other open building element. (5) On a lot less than 10,000 square feet the use must not exceed 6 bedrooms.	Add back design requirements and limit on bedrooms to no more than 6 for lots < 10,000 SF.	No	staff supports reducing too prescriptive duplex design standards from today's code to continue with concept of simplicity
24.43			x				CK												No	Table 23-4E-6030(A)	Strike the entire row of the table starting with "Floor Area".	There is no good reason to limit ADUs on a second floor to 550 sq ft.	No	Staff does not support complete removal but does support adding language suggested on line xxx that removes this standard from internal or attached ADUs; staff can also support exempting ADUs not in the back of the lot from this standard		
24.44	6200 - Home Occupations							KM															Eliminate all new entitlements proposed for Home Occupations including prohibit Signage associated with home occupations in residential house scale zones.	These new entitlements for additional employees, sales, parking and signs are invasive to peaceful neighborhoods. Live/Work and other mixed use and commercial areas allow for offices.	No	signs allowed in residential house scale is limited and staff does not believe they will disrupt the fabric of a neighborhood
24.45	6210 - 6280 - 6390							KM															Townhouse Use and Live/Work uses require at minimum at least one blockface. Prohibit Signage associated with Live-Work in residential house scale zones.	These uses are not compatible with stand alone houses and should only exist in a cohesive development.	No	block sizes differ among neighborhoods and areas of town, so there are times when it is appropriate for townhomes to only cover a portion of a block or live on the same street as a single house
24.46														JS h							23-4E-6200	C. why is "medical" office referenced if it is a prohibited use... either eliminate it from K or C I. .... Off street storage of the commercial vehicle is in addition to requirement of the dwelling unit. L. COMPLIANCE TO ADA? Ramps? Etc??? Help!				
24.47														JS h							23-4E-6210	(7) Parking is required....per.... (does this mean it can not be deemed as NO parking?) I would assume that since it is a dwelling unit, there is at least one parking (8) Landscaping MAY be required and should comply with.... (small projects shouldnt require)	if live work, one parking space per unit, but because to 2500sqft commercial exemption, then no parking? But what if there is a commercial vehicle? Need to require.	Yes/ No	Live/ Work is only permitted in Multi-unit Residential and Main Street zones. In both zones, 1 space per unit is required. Live/ Work is a residential use, and does not receive the 2500 sf parking reduction that is permitted for MS commercial uses Staff supports requiring landscaping for all projects that meet the criteria stated in 23-4E-4 (landscaping). If the project does not meet the applicability requirements, it would be exempt.	
24.48			x										PS								23-4E-6200 Home Occupations	23-4E-6200(D) & 23-4E-6200 (F) add "excluding R1A-R3D residential zones."	The addition of 3 employees and limited retail sales is a burden in residential neighborhoods especially parking and traffic congestion. The Live/Work zone allows up to 2 employees by-right and up to 3 with a CUP. Interesting that a CUP is required for 3 employees in a Live/Work zone while only an MUP in R zones (residential).	Yes	In the addendum, item D relating to three employees was eliminated, and item F was modified to "The sale of merchandise directly to a customer on the premises is prohibited." Additionally another provision was added that limits home occupation to generating no more than 4 vehicular trips each day (which includes trips to and from the site, essentially limiting customers to 2).	
24.49	Group Residential		x												TS						23-4E-6 Specific to Use		Need standards for co-operative housing.		same motion as line 24.41	
24.50	6240- Multi-Family		x												TS						6240	DELETE: (B) Required Open Space	Common Open Space is already covered based on zones. This adds confusion as to when common space is required. 23-4C-1030 required common open space for sites greater than one acre in levels of 5% of gross site area. This is based on 10 unit threshold. Also, Personal Open space requirements in (B)(3) are covered in the open space table for each zone regulation. Perhaps this is meant for zones that are not required to have common open space either by zone type or size.			
24.51	6310 -Restaurant Late Night Operation		x												TS						6310(A)(4)	CORRECTION NEEDED: Section 4-9-4	No section 4-9-4 can be found.	No	This refers to City code Chapter 4-9-4 Minimum Distance From Certain Uses, not house inside the LDC	

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24.52	6310 - Restaurant Late Night Operation		X													TS			Restaurant Late Night Operation	YES	6310(C)	(C) Live Entertainment. Live entertainment is allowed if the amplified sound does not exceed 70 "A"-weighted decibels from the hours of _____ to _____, measured at the property line of the licensed premises. In this subsection, "premises" has the meaning ascribed to it in the Texas Alcoholic Beverage Code.	Are there hours that this should apply? Should this limit be in all zones?	No	Restaurants with Late Night Operations are regulated through the Use Charts in 23-4D
24.53	23-4E-6340 Short Term Rentals						KM														23-4E-6340	Eliminate Short Term Rental as a legal use	In order to make existing housing stock available to serve Austin's "dire housing shortage"	No	not sure if we can legally do this
24.54	23-4E-6340 Single-Family Attached			X												TS			Single-Family Attached	YES	Add new section	ADD RELEVANT SECTIONS OF 6160 AND (D) Single Family Attached units are subject to the following requirements: (1) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that: (a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and (b) maintains a straight line for a minimum of four foot intervals or segments. (2) The two units must have a common roof. (3) At least one of the two units must have a front porch that faces the front street and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate street and an entry to the dwelling unit. (4) The two units may not be separated by a breezeway, carport, or other open building element.(5) On a lot less than 10,000 square feet the use must not exceed 6 bedrooms.	Need design standards for new single family attached. 23-5C-2060 includes Covenants, Conditions and Restrictions.		Code Citations: • Current code: 25-4-233 "Single-Family Attached Residential Subdivision" • Code Next: 23-5C-2060 "Single-Family Attached Lots" The concept of the "small lot subdivision" is no longer applicable. Instead, the minimum lot size varies by zone and the subdivision chapter does not regulate lot size, except in the ETJ. In the same manner, if the applicable base zone allows single-family attached dwellings, the subdivision chapter should not impede the creation of those type of lots. The applicable zone will also regulate the lot size, setbacks and impervious cover standards. Those standards are no longer in the subdivision chapter. The definition of Single-Family Attached is located in 23-13A 2030 "Land Uses". There is no definition for "small lot" because that term is no longer used.
24.55	Division 23-4E-6 Specific to Use			x			FK												Affordability	No	23-4E-6	"(A) Purpose: This section established the requirements to develop cooperative housing units and to reuse existing residential buildings to accommodate cooperative housing opportunities. (B) Occupancy Requirement. The bedrooms and residential space within a Cooperative Housing unit on a site must be occupied by residents who have shares if the cooperative corporation sells shares. Bedrooms and residential space may be occupied by residents undergoing a trial period of defined duration for membership in the nonprofit or cooperative corporation. (C) Operation. A Cooperative Housing unit must be operated by a cooperative or nonprofit corporation whose members reside on the site. (D) Additional Requirements for Cooperative Housing in a RR, R1-R4, RM, MS, MU Zone. The requirements of the base zone apply, unless modified by Table A."	Allow housing cooperatives in R zones to have more flexible site development standards to encourage their efficient and effective development.	Neutral	this appears to be language added to Specific to Use that pertains to Cooperatives, need to be sure it does not conflict with definition of cooperative housing
24.56	Division 23-4E-6 Specific to Use			x			FK												Affordability	No	23-4E-6	(E) Additional requirements for Cooperative Housing organized as a Cottage Court. a. A housing cooperative may follow the design requirements for Cottage Courts if the Cottage Court type is allowed in the base zone. 2. A housing cooperative organized as a Cottage Court shall follow the Development Requirements established in Section 23-4E-6150 of this Title. 3. A housing cooperative organized as a Cottage Court shall be eligible for 4 additional bonus units when participating in the Affordable Housing Bonus Program. (F) Combining Lot and Open Space Requirements. Lot area and open space requirements may be combined and shared among cooperative housing units with conditional use approval provided that the overall density remains consistent with standards defined in this Section. (G) Alternative Site Design Compliance. If a multifamily use is converted to a cooperative housing use and participates in the Affordable Housing Density Bonus Program, it may be expanded or altered without requiring related to building placement, open space placement, parking placement, and	Allow housing cooperatives in R zones to have more flexible site development standards to encourage their efficient and effective development.		This is going to require coordination with NHCD on addressing the AHBP aspects, ramification, and necessary language of the motion
24.57	Division 23-4E-6			X																			cottage ct diagram wrong, internal drive thru allowed?, Home occupation ADA and parking? Some uses should be allowed, 550sqft adu second floor exempt internal ADU if primary	?	
24.58	Division 23-4E-6 Specific to Use		X				AH												Residential		23-4E-6150 (A)	Remove depth minimum. Table 4E-6150 (A) Cottage Court Requirements Depth Minimum 20' clear, min.	Depth minimums are too prescriptive and cannot fit around site conditions, smaller lots or corner lot	Neutral	Depth solidifies the size of the open space but staff can support only having one deminsion, so long as we maintain some form of open area requirement
24.59	Division 23-4E-6 Specific to Use		X				AH												Residential		23-4E-6150 (A)	Table 4E-6150 (A) Cottage Court Requirements Area 3,000 sf. Min. total 700 sf/unit min.	There is already a per unit minimum area spelled out in code. Total minimum area needs to be adjusted to account for 3 unit cottage courts. Total is too large relative to lot size.		need more clarification on where the language is that this motion refers to, also clarify on how the motion defines the adjustment for 3 unit cottage courts
24.60	Division 23-4E-6 Specific to Use		X				AH												Residential		23-4E-6150 (A)	Amendment: Change open space width minimum. Replace open space width minimum to 20' clear minimum on lots over 100' wide, and 10' clear minimum on lots less than 100' wide	The 20' width does not fit on lots less than 100' wide.	yes	to allow for more flexibility and for cottage courts to be a viable product, staff can support a 10' minimum on thinner lots
24.61	Division 23-4E-6 Specific to Use		X				AH												Residential		23-4E-6150 (A)	Open space requirements cannot be met with open space that is provided in a required front or side-street setback on lots that are 100' or greater in width	Requirement cannot be met on lots less than 100' wide.		see above
24.62	Division 23-4E-6 Specific to Use		X				AH												Residential		23-4E-6150 (A)	The main entrance to the court from the front street.	This does not allow enough flexibility for corner lots.	No	this language can be clarified to say that on corner lots the pedestrian main entrance needs to be accessible from at least one front street, though the concept of the open space is to have pedestrian access and it seems reasonable that a corner lot would have some kind of path or access from both streets
24.63	Division 23-4E-6 Specific to Use		X				AH												Residential		23-4E-6150 (A)	On a corner lot, the units adjacent to the side street must front both the court and the street.	If unit is on corner, they should have access from either main or side street.	Neutral	

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24.64	Division 23-4E-6 Specific to Use		X																Residential		No	23-4E-6150 (A)	Driveway and parking areas must be screened from the common court by buildings, fence, or wall.	Safety issue parking in fenced/screened area away from residence at night; Parking close to unit is considered a market standard nationwide. Develop regulations to encourage this building type rather than preventing its use.	yes	to make development more viable and keep costs down	
24.65	Division 23-4E-6 Specific to Use			X															Affordability	No	No	23-4E-6	"(A) Purpose: This section established the requirements to develop cooperative housing units and to reuse existing residential buildings to accommodate cooperative housing opportunities. (B) Occupancy Requirement. The bedrooms and residential space within a Cooperative Housing unit on a site must be occupied by residents who have shares if the cooperative corporation sells shares. Bedrooms and residential space may be occupied by residents undergoing a trial period of defined duration for membership in the nonprofit or cooperative corporation. (C) Operation. A Cooperative Housing unit must be operated by a cooperative or nonprofit corporation whose members reside on the site. (D) Additional Requirements for Cooperative Housing in a RR, R1-R4, RM, MS, MU Zone. The requirements of the base zone apply, unless modified by Table A."	Allow housing cooperatives in R zones to have more flexible site development standards to encourage their efficient and effective development.		same motion as line 24.55	
24.66	Division 23-4E-6 Specific to Use			X															Affordability	No	No	23-4E-6	(E) Additional requirements for Cooperative Housing organized as a Cottage Court. a. A housing cooperative may follow the design requirements for Cottage Courts if the Cottage Court type is allowed in the base zone. 2. A housing cooperative organized as a Cottage Court shall follow the Development Requirements established in Section 23-4E-6150 of this Titl. 3. A housing cooperative organized as a Cottage Court shall be eligible for 4 additional bonus units when participating in the Affordable Housing Bonus Program. (F) Combining Lot and Open Space Requirements. Lot area and open space requirements may be combined and shared among cooperative housing units with conditional use approval provided that the overall density remains consistent with standards defined in this Section. (G) Alternative Site Design Compliance. If a multifamily use is converted to a cooperative housing use and participates in the Affordable Housing Density Bonus Program, it may be expanded or altered without requiring related to building placement, open space placement, parking placement, and setbacks.	Allow housing cooperatives in R zones to have more flexible site development standards to encourage their efficient and effective development.		same motion as line 24.56	
A-24.66.1	Schools		X																schools	X	X		Amend Section 23-4E-6320 School to incorporate corrections submitted by Susan Moffat as vetted by the law department. Please see exhibit	Amend Section 23-4E-6320 School to incorporate corrections submitted by Susan Moffat as vetted by the law department. Please see exhibit			
24.67	Division 23-4E-6 Specific to Use			X				CK											Remove max ADU size on second floor	No	No	Table 23-4E-6030(A)	Strike the entire row of the table starting with "Floor Area".	There is no good reason to limit ADUs on a second floor to 550 sq ft.		same motion as line 24.43	
A-24.67.1	23-4E-6			X															Definitions			23-4E-6xxx	Add definition for Cooperative Housing	Need to understand and define difference between group residential and coops.			
24.68	Division 23-4E-7 Additional General Standards																										HLC: Use Front Yard setback of block, add new language to match bldg height with neighborhood, add 15' setback for new story addition and 15' stepback or 1/3% of existing build for old buildings
24.69	Division 23-4E-7 Additional General Standards			X															Affordability	No		23-4E-7040	23-4E-7040 (D)(1) Except as provided in Subsection (D)(2) for a single-family residential or duplex and in Subsection (D)(4) for a cooperative use, not more than four unrelated adults may reside in a structure, in the following zones:...; (D)(4) The requirements of this subsection do not apply if a site has a Cooperative Housing land use designation.; 23-4E-7040 (G) Maximum Occupancy for a Site with Cooperative Housing. Not more than fifteen unrelated adults may reside in each dwelling unit of Cooperative Housing.	If another amendment changes the overall occupancy for all zones, this can still work in harmony with it because its a larger limit for co-ops.	Neutral	Not limiting the cooperative occupancy to 4 would allow them to be more feasible, <b>NEED TO DISCUSS</b>	
24.70	Division 23-4E-7 Additional General Standards																		Dwelling Unit Occupancy Limit			23-4E-7040	C. Max occupancy of a duplex not more than 3 per unit or 5 per unit if meets criteria of B1,2,3	increase duplex occupancy allowance under same allowance as SF homes	Neutral		
24.71	Division 23-4E-7 Additional General Standards			X																							commentary
24.72	Division 23-4E-7 Additional General Standards			X	GA	AH													Coops	No		23-4E-7040	23-4E-7040 (D)(1) Except as provided in Subsection (D)(2) for a single-family residential or duplex and in Subsection (D)(4) for a cooperative housing use, not more than four unrelated adults may reside in a structure, in the following zones:... 23-4E-7040 (D)(4) The requirements of this subsection do not apply if a site has a Cooperative Housing land use designation. 23-4E-7040 (G) Maximum Occupancy for a Site with Cooperative Housing. Not more than two unrelated adults times the number of bedrooms in a Cooperative Housing unit.	Allowing cooperatives but limiting occupancy to 4-6 unrelated individuals does not allow sufficient residency to make a cooperative viable	Neutral	Not limiting the cooperative occupancy to 4 would allow them to be more feasible, <b>NEED TO DISCUSS</b> <b>Staff suggested language adjustment: Cooperative Housing use, not land use designation</b>	

CHAPTER ARTICLE	DIVISION TITLE	A			B										C	D	E		F	G		H						
		DESIRED PROPOSED CHANGES TO D3			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO	STAFF RESPONSE	
24.73	Division 23-4E-7 Additional General Standards			X	GA	AH																	23-4E-7040	(A) Maximum Occupancy. Except as otherwise provided, not more than six unrelated adults may reside in a dwelling unit. The maximum occupancy for a dwelling unit shall be the greater of six unrelated adults, the specifications of (B) through (E) below, or two unrelated adults times the number of bedrooms in the dwelling unit.	Per NHCD's own affordability impact statement the limit as it stands today at four unrelated adults unnecessarily drives up the cost of housing for people who need to share space. This is also supported by the Austin Housing Coalition and Austin Tenants Council	Neutral	Need to discuss	
24.76	7040 Dwelling Occupancy Limits			X												TS							7040	C) Maximum Occupancy in a Duplex and Single Family Attached. Not more than three unrelated adults may reside in each unit of a duplex, unless: (1) Before June 5, 2003: (a) A building permit for the duplex structure was issued; or (b) The use was established; and (2) After June 5, 2003, the gross floor area in the duplex structure does not increase more than 69 square feet unless to complete construction authorized before that date or to comply with the American Disabilities Act. (D) Occupancy Limits in Certain Zones (1) Except as provided in Subsection (D)(2) for a single-family residential or duplex use, not more than four unrelated adults may reside in a unit structure, in the following zones: (a) Lake Austin Residence (LA) Zone; (b) Rural Residential (RR) Zone; (c) Residential House Scale 1C (R1C) Zone; (d) Residential House Scale 2A (R2A) Zone; (e) Residential House Scale 2C (R2C) Zone; (f) Residential House Scale 2E (R2E) Zone; (g) Residential House Scale 3A (R3A) Zone; (h) Residential House Scale 3C (R3C) Zone; and (i) Residential House Scale 4C (R4C) Zone.	Simplify occupancy limits. Check with staff on provisions to see if there were grandfathering requirements.	no	in a housing crisis it is not staff's opinion to further restrict occupancy limits	
24.77																TS								(2) The requirements of this subsection do not apply if: (a) Before March 31, 2014 a building permit was issued for the unit or the use was established; and (b) After March 31, 2014: (i) The gross floor area does not increase more than 69 square feet, except to complete construction authorized before March 31, 2014 or to comply with the American with Disabilities Act, or (ii) Any interior remodel that requires a building permit does not result in additional sleeping rooms. (3) A structure located on a site exempt from these standards under Subsection (D)(2) that is partially or totally destroyed by a natural disaster, act of god, or fire does not become subject to this subsection, if a building permit to repair or reconstruct the structure is applied for within one year of the date of the partial or total destruction. (E) Maximum Occupancy for a Site with an Accessory Dwelling Unit. Not more than two unrelated adults may reside in the accessory dwelling unit, unless (1) The use was established before November 18, 2004; or (2) A building permit was received before November 18, 2004; and (3) After November 18, 2004, the unit was not remodeled to increase gross floor area more than 69 square feet, unless to finish construction authorized before that date or to comply with the American Disabilities Act.		no	there are grandfathering rights that are associated with these dates (need confirmation)	
24.78	Division 23-4E-7 Additional General Standards			X		AH																	23-4E-7060	(5) Fences of any kind, any height, in any zone are prohibited within 20 feet (as measured from the property line) of the intersection of: (a) A driveway and a street or alley; or (b) Two streets; or (c) A street and an alley.			need to discuss	
24.79																							23-4E-7060	B 1- 4' to 5' max for sloped lots in front setback or building line, whichever is less, 6' with administrative variance 2- 6' at rear and side property lines (7' max on sloped lots), 8' with administrative variance	fence regulations are considerably more restrictive.... Should restore current regulations of modify D3 to our proposal		need to discuss	
24.80	Division 23-4E-7 Additional General Standards			X		AH																	23-4E-7070	(D) Side Setback Exemption for Attached Townhouses. Attached townhouses are not subject to side setback requirements.		yes	townhouse needs same clarification as single family attached on zero lot line setback requirements	
24.81																							23-4E-7080	A- Add ADUs — 3B. Ramp must not encroach more than 2 feet into a interior side setback		yes		
24.82	Division 23-4E-8 Building Design Standards																											
<b>Chapter 23-5: Subdivision</b>		NONE	MINOR	MAJOR																		YES/NO	YES/NO					
25	Article 23-5A Introduction																											
25.1	Division 23-5A-1 General Provisions																											





CHAPTER ARTICLE	DIVISION TITLE	A			B										C	D	E		F	G		H								
		DESIRED PROPOSED CHANGES TO D3	NONE	MINOR	MAJOR	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO	STAFF RESPONSE		
A-27.13.3														JSh									GENERAL	SPECIFIC SECTION	23-5C-2060	4) PER TECHNICAL CODES, appropriate and adequate space must be provided for utilities including water meters and wastewater cleanouts (OR DELETE THIS IF THIS IS COVERED IN SECTION C)  C) ADD: Standard regarding site alterations and IC Maintenance responsibilities Limitations of City liabilities	needs city legal to clarify what is in the CCR's. Condo reglem duplex has agreements this should too			
A-27.13.4														JSh										5C-2040	Refeneces SF4a					
A-27.13.5														JSh										23-5c-4020	C) Trees preserved REMOVE - A tree required...AND USE... Trees required... C. Trees of species and caliper inches described in Protected and Heritage trees	this is to allow large preserved caliper trees to suffice for site requirement Heritage and protected trees can already have a huge canopy				
A-27.13.6		x																						Division 23-5C-4		Ask City Arborist if they reviewed.				
<b>Chapter 23-6: Site Plan</b>																														
<b>Article 23-6A: Purpose and Applicability</b>																														
28.1	Division 23-6A-1: Purpose and Applicability																													
28.2	Division 23-6A-2: Exemptions																													
28.3	Division 23-6A-2: Exemptions		X																						Table 23-6A-2010 (A) Site Plan Exemptions	Construction or alteration of a single-family residential structure, single-family attached, duplex residential structure, accessory dwelling unit, or an accessory structure (1) <del>No more than two residential structures are constructed on a legal lot or tract</del> Structure quantity does not exceed the quantity allowed in the applicable zoning.		No	The language as proposed, "Structure quantity does not exceed the quantity allowed in the applicable zoning category" has unintended consequences, and will prevent staff from being able to enforce applicable regulations.	
28.4																									23-6A-2	In Table 23-6A-2010(A), amend "Construction and change less than 1,000 square feet and the limits of construction is less than 3000 square feet.", to add the following: "(5) If existing impervious cover is removed and trees are planted and perpetually maintained thre, the impervious cover removed does not count toward the 1,000 or 3,000 square feet limit."	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.			
28.5	Division 23-6A-2: Exemptions		X																						Table 23-6A-2010 (A) Site Plan Exemptions	Residential construction of three to six <del>ten</del> units - Provided the project complies with the requirements of Division 23-2A-3 (Residential Development Regulations).	Missing middle housing shouldn't have to go through a complete site plan - otherwise you'll only get six units and rarely ever seven to ten units.	Yes (with clarification)	This was discussed by staff in the context of removing impervious cover in existing paved parking/vehicle circulation areas in support of bringing noncompliant parking into better compliance with current parking lot landscaping/tree requirements.	
A-28.5.1	Division 23-6A-2: Exemptions			X																					X	direct staff to crete a site plan light for missing middle housing between 6-12 units.	We want to lower the barrier for missing middle; the threshold of 6 for triggering a site plan is a step in the right direction. But we'd like to see more in the way of reducing the number of hurddles for the 6-10 units as well. Site plan light would include watershed review but not necessarily all departments.			
<b>Article 23-6B: Site Plan Review and Filing Requirements</b>																														
29.1	Division 23-6B-1: Application Review and Approval																													
29.2	Division 23-6B-1: Application Review and Approval			X																						23-6B-1010 (D)(1)(a)	(a) For a site plan required due to a use change triggering a conditional use site plan that otherwise meets the criteria under 23-6A-2: Exemptions for Site Plan Review, compliance with requirements of a development or construction site does not apply.			This language reflects how most staff understand code. However, current code is not clear, and there is conflict in review. This language provides clarification; DSD supports this addition
29.3	Division 23-6B-2: Submittal Waivers																													
29.4	Division 23-6B-3: Release																													
<b>Article 23-6C: Expiration</b>																														
30.1	Division 23-6C-1: Expiration																													
<b>Chapter 23-7: Building, Demolition, and Relocation Permits; Special Requirement Permits For Historic Structures</b>																														
<b>Article 23-7A: General Provisions</b>																														
31.1	Division 23-7A-1: General Provisions																													
31.2	Division 23-7A-1: General Provisions		X																							23-7A-1020	Historic Properties and Buildings 45-50 or More Years Old (A) The building official must notify the historic preservation officer before issuing a building, demolition, or relocation permit for a building 45-50 or more years old. (B) The building official may not issue a building, demolition, or relocation permit for a property described in Subsection (D) unless all applicable requirements of Division 23-7D have been satisfied.	The national standard for historic protection is 50 years.		
31.3	Division 23-7A-1: General Provisions			X																						23-7A-1050	<u>HISTORIC PROPERTY INVENTORY. A list of all properties across the city's zoning jurisdiction that either are historically zones or might qualify for historic zoning protection. The historic preservation officer shall develop this list no later than January 1, 2024 and update it thereafter from time to time. The list should include a mix of commercial and residential properties, be spread geographically throughout the zoning jurisdiction, identify the reasons that the property might be historic, and include no more than one percent of the land area of the zoning jurisdiction. When developing this list, the historic preservation officer shall evaluate properties that are currently zoned historic for delisting. The list should provide sufficient detail for the City Manager to determine the amount of tax waivers are associated with the protections.</u>	This will provide regulatory certainty and identify properties that are not currently protected but should be.		

CHAPTER ARTICLE	DIVISION TITLE	A			B										C	D	E		F	G			H																		
		DESIRED PROPOSED CHANGES TO D3			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	BEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES			YES/NEUTRAL /NO	STAFF RESPONSE												
A-31.3.1	23-7A Historic		x																			23-7	GENERAL	23-7	Include Historic Landmark Commission recommendations 20180423	Include HLC changes recommended changes (1) encourage ADUs as a tool to retain older, historic-age residential buildings, 50+ years, while increasing density (2) Maintain the historic street pattern, (3) preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning (4) discourage demolitions of older commercial and residential buildings (compress recommendations)															
A-31.3.2	23-7A-1020 Historic		x																				23-7A-1020	23-7A-1020	Change 45 back to 50 years	Why is there a change of age from National Historic guidelines of 50+ years. Change back to standard.															
<b>32 Article 23-7B: Building Demolition and Permits</b>																																									
32.1	Division 23-7B-1: Building and Demolition Permits		C																																						
32.2	Division 23-7B-2: Permit Applications																																								
32.3	Division 23-7B-3: Demolition Permit Expiration and Extension																																								
32.4	Division 23-7B-3: Demolition Permit Expiration and Extension										Jsc												23-7D-3010	23-7D-3010	Review for Buildings 45-50 or More Years Old Without Historic Designation (A) This section applies to a building, structure, or site that is: (1) 45 50 or more years old; and (2) Does not have historic designation of any kind.	50 is the national standard															
<b>33 Article 23-7C: Relocation Permits</b>																																									
33.1	Division 23-7C-1: Relocation Permits																																								
33.2	Division 23-7C-1: Relocation Permits			X							Jsc												23-7D-1020	23-7D-1020	Article 23-7D: Special Requirements for Historic Properties and Buildings 45-50 or More Years Old	50 is the national standard															
33.3	Division 23-7C-2: Relocation Requirements																																								
<b>34 Article 23-7D: Special Permit Requirements for Historic Properties and Buildings 45 or More Years Old</b>																																									
34.1	Division 23-7D-1: Overview																																								
34.2	Division 23-7D-2: Properties with Historic Designation																																								
34.3	Division 23-7D-3: Properties without Historic Designation																																								
34.4	Division 23-7D-3: Properties without Historic Designation			X							Jsc												23-7D-3010	23-7D-3010	Review for Buildings 45 50 or More Years Old Without Historic Designation (A) This section applies to a building, structure, or site that is: (1) 45-50 or more years old; and (2) Does not have historic designation of any kind.																
34.5	Division 23-7D-4: Pending Historic Designations																																								
34.6	Division 23-7D-5: Appeal																																								
<b>35 Article 23-7E: Maintenance Requirements</b>																																									
35.1	Division 23-7E-1: Maintenance Requirements																																								
<b>36 Article 23-7F: Enforcement and Penalties</b>																																									
36.1	Division 23-7F-1: Demolition by Neglect and New Construction																																								
<b>Chapter 23-8: Signage</b>																						NONE	MINOR	MAJOR											YES/NO	YES/NO					
<b>37 Article 23-8A: General Provisions</b>																																									
37.1	Division 23-8A-1: Policy and Administration		C																																						
37.2	Division 23-8A-2: Sign Permit and Registration		C																																						
<b>38 Article 23-8B: Regulations Applicable to All Signs</b>																																									
38.1	Division 23-8B-1: General Requirements		C																																						
38.2	Division 23-8B-2: On-Premise Signs Allowed Without a Permit																																								
38.3	Division 23-8B-2: On-Premise Signs Allowed Without a Permit										KM														(C)(1)(c) should read "the total area of signs does not exceed 9 square feet" (instead of 36) (C)(1)(d) should read "the maximum height does not exceed 6 feet above grade" (instead of 8)	Do we really want signs on houses?															
38.4	Division 23-8B-3: Prohibited Signs																																								
38.5	Division 23-8B-4: Non-conforming Signs																																								
<b>39 Article 23-8B: Regulations Applicable to Sign Districts and Sign Types</b>																																									
39.1	Division 23-8B-1: Regulations by Sign District and Sign Overlay		C																																						
39.2	Division 23-8B-2: Regulations by Sign Type		C																																						
39.3	Division 23-8B-3: Regulations for Non-Standard Signs		C																																						
<b>40 Article 23-8D: Enforcement and Relief Procedures</b>																																									
40.1	Division 23-8D-1: Enforcement		C																																						
40.2	Division 23-8D-2: Variances and Appeals		C																																						
<b>Chapter 23-9: Transportation</b>																						NONE	MINOR	MAJOR											YES/NO	YES/NO					
<b>41 Article 23-9A: General Provisions</b>																																									
41.1	Division 23-9A-1: Policy and Administration																																								
41.2	Division 23-9A-1: Policy and Administration			X	GA																			23-9A-1030	23-9A-1030	(4) Proportionality determinations required under Division 23-9A-2 (Proportionality of Transportation Infrastructure Requirements), including standardized procedures for making determinations and criteria for identifying required improvements with an essential nexus to the impacts of proposed development;	This section states that standards for important transportation matters such as Rough Proportionality standards should be set forth in a Transportation Criteria Manual that the public has not seen or had the ability to review and provide input. Leaving such important standards to be determined outside of the revised LDC process and in a criteria manual written in the future does not provide clear guidance and predictability. This should be in code.														

CHAPTER ARTICLE	DIVISION TITLE	A		B										C	D	E		F	G	H						
		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE				
				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			
41.3	Division 23-9A-1: Policy and Administration		X	GA																	23-9A-1050	MUNICIPAL TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS or TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS. A transportation improvement that mitigate the impacts of development on the City's transportation system, including the construction or funding of system improvements and the dedication or improvement of right-of-way beyond the boundaries of a development or in excess of that required by generally applicable design standards. <del>The term does not include dedications or improvements to directly serve a development under generally applicable development regulations.</del>	This definition needs modification and is important as it relates to offsets with rough proportionality requirements. The last sentence in this definition should be deleted. This sentence is problematic because it is unclear what types of improvements would be excluded and could be interpreted in many different ways. rough prop should be allowed for land onsite.			
41.4	Division 23-9A-1: Policy and Administration		X						JSc												23-9A-1030 (B) (4)	<del>Proportionality determinations required under Division 23-9A-2 (Proportionality of Transportation Infrastructure Requirements) including standardized procedures for making determinations and criteria for identifying required improvements with an essential nexus to the impacts of proposed development;</del>	Rough proportionality should be defined in code, not criteria manuals. This section states that standards for important transportation matters such as Rough Proportionality standards should be set forth in a Transportation Criteria Manual that the public has not seen or had the ability to review and provide input. Leaving such important standards to be determined outside of the revised LDC process and in a criteria manual written in the future does not provide clear guidance and predictability.			
41.5	Division 23-9A-1: Policy and Administration		X						JSc												23-9A-1050	MUNICIPAL TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS or TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS. A transportation improvement that mitigate the impacts of development on the City's transportation system, including the construction or funding of system improvements and the dedication or improvement of right-of-way beyond the boundaries of a development or in excess of that required by generally applicable design standards. <del>The term does not include dedications or improvements to directly serve a development under generally applicable development regulations.</del>	This definition needs modification and is important as it relates to offsets with rough proportionality requirements. The last sentence in this definition should be deleted. This sentence is problematic because it is unclear what types of improvements would be excluded and could be interpreted in many different ways.			
41.6	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements																									
41.8	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements		X						JSc												23-9A-2			Policies regarding what is considered part of a project rough proportionality shall be included in code, not criteria manual. This includes definition of "Municipal transportation infrastructure improvements" (23-9A-1050)		
41.10									JSc													(D) To aid in making a proportionality determination and identifying required infrastructure improvements, the director may: (1) Adopt administrative guidelines setting forth assumptions, procedures, formulas, and development principles used in making a proportionality determination; and (2) If an applicant contests the director's proportionality determination, require an analysis under Article 23-9C (Transportation Review and Analysis) that would otherwise not be required or other information related to traffic and safety impacts. Proposed modifications to the rough proportionality procedures shall be adopted only via modification to this code section as approved and adopted by City Council.	Cont'd			
41.11	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements		X						JSc												23-9A-2020 (B)	Strike the following language in item (B): " <del>...prior to approval of an application for which dedication of right-of-way or other construction or funding of system transportation improvements is required...</del> " and replace with " <del>within 60 days of submission of a TIA, TDM, or other traffic study for the project.</del> "				
41.14	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements		X	GA					JSc												23-9A-2020 B	"(B) The director shall issue a written determination of an applicant's roughly proportionate share of transportation infrastructure costs attributable to a proposed development prior to approval of an application for which dedication of right-of-way or the construction or funding of system transportation improvements is required. A determination issued under this section:  (1) Need not be made to a mathematical certainty, but is intended to be used as a tool to fairly assess the roughly proportionate impacts of a development based on the level of transportation demand created by a proposed development relative to the capacity of existing public infrastructure; (2) Shall be completed in compliance with generally recognized and approved measurements, assumptions, procedures, formulas, and development principles; and (3) Shall state the roughly proportionate share attributable to the property owner for the dedication and construction of transportation-related improvements necessary to ensure an effective and safe transportation system that is sufficient to accommodate the traffic generated by a proposed development, that will improve the transportation system immediately affected by the development to best mitigate the increased traffic caused by the development, as much as can be achieved considering physical and financial constraints. This statement shall not be intended as a measure to lessen density or deny development permit approvals along transportation ways that are in poor operating condition prior to proposed new development	A clearly defined Rough Proportionality (RP) review process, including standardized procedures for making determinations, needs to be established. There is no specific process defined in current code nor in Draft 3. The RP review process should be written in a manner that is predictable.			
41.12	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements		X						JSc												23-9A-2020 (B) (3)	(3) Shall state the roughly proportionate share attributable to the property owner for the dedication and construction of transportation-related improvements necessary to ensure an effective and safe transportation system that is sufficient to accommodate the traffic generated by a proposed development, that will improve the transportation system immediately affected by the development to best mitigate the increased traffic caused by the development, as much as can be achieved considering physical and financial constraints. This statement shall not be intended as a measure to lessen density or deny development permit approvals along transportation ways that are in poor operating condition prior to proposed new development				

CHAPTER ARTICLE	DIVISION TITLE	A			B										C	D	E		F	G		H						
		DESIRED PROPOSED CHANGES TO D3			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO	STAFF RESPONSE	
41.15																												
41.9	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements		X								Jsc											23-9A-2020 (C) & (D)	(C) If a proposed development is subject to a proportionality determination under this section, the director shall identify in writing all transportation infrastructure improvements required in conjunction with approval of the development application. <del>The infrastructure improvements may include right-of-way dedication, the construction or funding of system improvements, or any combination thereof, in an amount not to exceed the total roughly proportionate share as established by the proportionality determination. RP definition shall include: (1) The land value (as determined by appraisal) of all dedicated ROW within or adjacent to a property as required by the City, (2) the hard cost of all transportation improvements associated with a project or required of a project by the City except for those associated with private on-site drives and parking, (3) the design and permitting "soft" costs associated with any required transportation improvements determined via a TIA or otherwise required by the City.</del>	RP requirements and inclusions should be determined prior to adoption of code and listed within Code.				
41.13	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements		X								Jsc											23-9A-2020 NEW SECTION (E)	A rough proportionality determination made on a project shall be made with an initial project application and shall be grandfathered through future applications so long as the project has not (1) let any project application expire, (2) been in default of any application, or (3) changed the intended use and/or density in a manner that will increase the traffic generated by the project build out.					
<b>42 Article 23-9B: Right-Of-Way Dedication and Reservation</b>																												
42.1	Division 23-9B-1: General Provisions																											
42.2	Division 23-9B-1: General Provisions		X								Jsc											23-9B-1030 (A)	<del>If a development application requires approval by the Land Use Commission or city council, an applicant may request a variance under this section from a requirement to dedicate, reserve, or improve right-of-way. The purpose of the variance procedure authorized by this section is to provide for consideration of unique impacts that requirements of this chapter may have on property relative to the transportation needs generated by proposed development.</del>	The language in this section suggests that only an applicant whose development application requires approval by the Land Use Commission or city council is qualified to request a ROW variance. Section 25-6-86 in the current LDC does not limit an applicant who is seeking a ROW variance. The ability to seek a ROW variance should be allowed by all types of development applications, regardless of application type.				
42.3	Division 23-9B-1: General Provisions		X								Jsc											23-9B-1030 (B)	<del>(b) Application Requirements. A request for a variance under this section must be: (1) Submitted in a manner approved by the director and include any information required by the director to evaluate the variance request; and (2) Associated with a pending development application, unless the director determines that the amount of public right-of-way that would be required for dedication is 15 percent or more of a project site's total land area.</del>	The application requirements need clarification and are too broad. The variance request application submittal requirements give too much discretion to the director for approval. The application process is not predictable for an applicant.				
42.4	Division 23-9B-2: Right-Of-Way Dedication and Improvement																											
42.5	Division 23-9B-2: Right-Of-Way Dedication and Improvement		X								Jsc											23-9B-2010 (A)	<del>Right-of-Way Dedication. A landowner shall dedicate all public right-of-way required to adequately serve the transportation needs of proposed development consistent with the standards of this Title. The amount, location, and alignment of right-of-way to be dedicated shall conform to the Transportation Plan, an approved collector plan, or an approved capital improvement project and may be required within, adjacent to, or outside the boundaries of a proposed development.</del>	Delete with the purpose of re-writing. This section is problematic as it can be interpreted to required dedication of land that the landowner may not own. There is also nothing defined in the code that clarifies what is considered "adequate". We suggest clarification and an edit to this section to ensure that this requirement for right-of-way dedication by the landowner is not required outside of a site plan boundary.				
42.6	Division 23-9B-2: Right-Of-Way Dedication and Improvement		X								Jsc											23-9B-2010 (B) (1) (C)	<del>(c) the likelihood that adjoining property will develop in a timely manner.</del>					
42.7	Division 23-9B-2: Right-Of-Way Dedication and Improvement		X								Jsc											23-9B-2010 (A) (2)	<del>Construction of all required street improvements and transportation facilities, consistent with the applicable standards of this Title, is required within public right-of-way needed to directly serve a proposed development.</del>					
42.8			X								Jsc											23-9B-2010 (B)(2) Frontage Roads	<del>(2) Right-of-Way Improvements: Construction of all required street improvements and transportation facilities, consistent with the applicable standards of this Title, is required within public right-of-way needed to directly serve a proposed development.</del>	This section mandates improvements or dedications related to state, federal, or other sole municipality managed transportation networks which is outside of the City's purview. The language in this section is too general and open-ended. This code section should be removed as it creates an unnecessary mandate and additional layer upon the landowner where an existing process is already in place. For example, every project that is adjacent to State right-of-way is currently required to go through TxDOT process for review and approval relating to necessary dedication and improvements.				



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		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE			
				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION					
43.11	Division 23-9C-2	Comprehensive Transportation Review	X								Jsc									Transportation		23-9C-2020 Transportation Impact Analysis (B)(1)(c)(d)	Do not require TIAs at zoning and make it clear to both City Council and others that a TIA will be performed at the same time of site plan submittal. (a) must be submitted with an application for a site plan or subdivision, or planned unit development zoning district; and (b) may be submitted, at the applicant's discretion, or as required by the city council, for a zoning application other than a planned unit development.				
43.12											Jsc								Transportation		23-9C-2020 Transportation Impact Analysis (C)(1)(b)	(C) Timing of Submittal. (1) Initial TIA. If a proposed development meets the trip threshold established in Section 23-9D-2010 (Purpose and Applicability), an initial transportation impact analysis: (a) must be submitted with an application for a site plan or subdivision, or planned unit development zoning district; and (b) may be submitted, at the applicant's discretion, or as required by the city council, for a zoning application other than a planned unit development.	The conflicting timing concepts between (C)(1)(a) and (C)(1)(b) should be removed. TIA submittal requirements should be clear and predictable. Current draft language suggests that City Council can ask for a TIA even when it is not initially required, which could add 6-9 months to the development process.				
43.13	Division 23-9C-2	Comprehensive Transportation Review	X								Jsc								Transportation		23-9C-2030 (B)	Need to see TCM draft and vet along with proposed code language	Need more information on trip reduction measures before this section of code can be adopted				
43.14	Division 23-9C-2	Comprehensive Transportation Review	X								Jsc								Transportation		23-9C-2030(C)	<del>(C) Timing of Submittal. (1) Concurrent with TIA. Except as provided in Subsection (B)(2), a TDM plan that meets the requirements of this section must be submitted concurrent with a transportation impact analysis required under Section 23-9C-2020 (Transportation Impact Analysis). A TDM review shall be submitted with a formal application for zoning, subdivision, preliminary plan, or site plan review. A TDM shall be reviewed and approval provided with formal comment report on the application. If the TDM reduces trips below the TIA threshold, the TDM shall serve to replace a TIA and a TIA shall not be required.</del>	TDM submittal requirements, procedures and timelines are unclear and appear to be inefficient by requiring multiple studies to be reviewed concurrently. The timing of TDM submittal could be simplified. Whether a TDM plan should be submitted in lieu of a TIA and/or concurrent with a TIA needs to be clarified. To be more clear and predictable, we suggest that the timing of a TDM submittal becomes part of a predevelopment meeting and the predevelopment summary identifies any and all studies required for the applicant.				
43.15											Jsc								Transportation			<del>(2) In lieu of TIA. (a) The director may allow submittal of a proposed TDM plan in lieu of a transportation impact analysis if the director finds that implementing the TDM plan is sufficient to reduce vehicle trips generated by a proposed development to a level below the threshold established in Section 23-9C-2010 (Purpose and Applicability). (b) The director shall allow submittal of a proposed TDM plan in lieu of transportation impact analysis if a proposed development is anticipated to generate less than 2,000 trips per day. A TDM plan submitted under this paragraph shall be limited to reasonable design enhancements and other cost-effective strategies that can be efficiently integrated into project design. (c) Compliance with a TDM plan approved under Paragraphs (B)(2)(a) (b) shall be required as a condition to approval of a development application under Division 23-9C-4 (Development Conditions and Mitigation) and may be subject to conditions under Section 23-9C-1030 (Waiver of</del>	CONT'D				
43.16	Division 23-9C-2	Comprehensive Transportation Review	X								Jsc								Transportation		23-9C-2030(D)	Change text in (d) by removing the following "...and includes reasonable strategies for reducing transportation demand based on the layout, location, and context of a proposed development."	TDM submittal requirements, procedures and timelines are unclear and appear to be inefficient by requiring multiple studies to be reviewed concurrently. The timing of TDM submittal could be simplified. Whether a TDM plan should be submitted in lieu of a TIA and/or concurrent with a TIA needs to be clarified. To be more clear and predictable, we suggest that the timing of a TDM submittal becomes part of a predevelopment meeting and the predevelopment summary identifies any and all studies required for the applicant.				
43.17	Division 23-9C-3	Neighborhood Transportation Impact Analysis																									
43.18	Division 23-9C-3	Neighborhood Transportation Impact Analysis	X								Jsc								Transportation	Yes	Section 23-9C-3020 (A)(1)	Provide clear definition of "multimodal level of service" to better understand implications of this requirement	The definition of multi-modal transportation is unclear. In order to create a predictable process, multi-modal transportation concepts should be clear and defined in code. The code should include a list of allowable and approved "modes" and specific goals of mode split for purpose of implementing code policies regarding redirecting traffic to other modes.				
43.19	Division 23-9C-3	Neighborhood Transportation Impact Analysis	X								Jsc								Transportation		23-9C-3020	Clear definition is needed of multi-modal level of service – Code should include list of allowed/approved "modes" and goals regarding mode split for purpose of implementing code policies regarding redirecting traffic to other modes					
44	<b>Article 23-9D: Development Conditions and Mitigation</b>																										
44.1	Division 23-9D-1	Action on Development Application																									
44.2	Division 23-9D-1	Action on Development Application	X								Jsc																
44.3	Division 23-9D-1	Action on Development Application	X								Jsc								Nonzoning		23-9D-1030 (B)	Application Approval will be addressed after the Street Impact Fee regulations are finalized and once the new method of reviewing street impacts is considered.					
44.4	Division 23-9D-1	Action on Development Application	X								Jsc								Nonzoning		23-9D-1030 (B)(1)	<del>(1) Delaying or phasing development until construction of municipal transportation infrastructure required to accommodate vehicle trips generated by the development or other transportation improvements necessary to directly serve the development; or</del>					

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		NONE	MINOR	MAJOR	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH	GENERAL	SPECIFIC SECTION							
44.5	Division 23-9D-1: Action on Development Application			X							Jsc									Nonzoning		23-9D-1030 (B)(2)	(2) Reducing the density or intensity of the development, to the extent necessary to ensure that the capacity of the street network is sufficient to accommodate vehicle trips generated by the proposed development.						
44.6	Division 23-9D-1: Action on Development Application			X							Jsc									Transportation		23-9D-1030 (C)	Update section (C) to read as follows: "To the extent authorized under division 23-9D-2 (transportation Infrastructure Improvements), and within limits of a projects approved Rough Proportionality Determination per section 23-9-XX, the director may condition development approval on the construction, dedication or funding of municipal transportation infrastructure improvements that would benefit the transportation system immediately adjacent to the development and assist in mitigating the effects of newly generated traffic from the development."	Need to clarify that application cannot be conditioned based on request over/above RP value.					
44.7	Division 23-9D-2: Transportation Infrastructure Improvements																												
44.8	Division 23-9D-2: Transportation Infrastructure Improvements		X								Jsc									Transportation		23-9D-2010(B)	Replace item (B) with following text "A Comprehensive Transportation Plan is required when both a TIA and a TDM are require (per section 23-9C-2020 and 2030) and refers to the combined report containing information found in both a typical TIA and TDM."	23-9D-2010(B): Requirement of Comp Transpo Plan here creates conflict with requirement for TDM per 23-0C-2030(A)(2)					
44.9	Division 23-9D-2: Transportation Infrastructure Improvements			X							Jsc									Transportation		23-9D-2020(B)(1)	Add item (3) as follows "Identified improvements shall be funded by the applicant based on an estimated cost of the system improvement or, at the discretion of the applicant, may be built by the applicant conditioned on a cost reimbursement from the City of Austin equal to at least 20% of the estimate cost of the improvement."	Requirements for offsite improvements should not be required and rather incentivized (similar to 2010(B) language)					
44.10	Division 23-9D-2: Transportation Infrastructure Improvements			X							Jsc									Transportation		23-9D-2030(B)(2)	Update item (2) to replace "...or refund the fee at the request of the applicant who paid the fee" to say "...automatically upon expiration of the 10 year period to the applicant who paid the fee."	The City shall automatically refund these funds if not used; The City is responsible for managing funds and improvements so this is a way to keep them accountable.					
44.11	Division 23-9D-2: Transportation Infrastructure Improvements			X							Jsc									Transportation		23-9D-2040	Update item (A) to replace "... certified under Division 23-3E-4 (SMART Housing)." to read "... proposing any number of affordable housing units or affordable square footage for commercial use based on the percentage of affordable units/square footage (commercial) against the total units/square footage (commercial) of the project."	Reduced transportation mitigation should be applied to all affordable housing projects regardless of whether they follow the City SMART housing proposal as they serve to benefit all affordable renters					
45	<b>Article 23-9E: Right-Of-Way Construction</b>																												
45.1	Division 23-9E-1: General Provisions		C																										
45.2	Division 23-9E-2: Construction License		C																										
45.3	Division 23-9E-3: Right-Of-Way Permit		C																										
45.4	Division 23-9E-4: General Design and Maintenance Requirements		C																										
45.5	Division 23-9E-5: Driveways and Alleys																												
45.6	Division 23-9E-6: Sidewalks, Urban Trails, Street Trees																												
45.7	Division 23-9E-6																					23-9E-6040(B)	Add "If public right-of-way adjacent to the development is of insufficient width for the planting of street trees, street trees shall be planted on the applicant's property."	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.					
46	<b>Article 23-9F: Street Design</b>																												
46.1	Division 23-9F-1: General Provisions																												
46.2	Division 23-9F-2: Access to Major Streets																												
46.3	Division 23-9F-3: Street Layout																												
47	<b>Article 23-9G: Road Utility Districts</b>																												
47.1	Division 23-9G-1: Transportation Demand Management		C																										
47.2	Division 23-9G-2: Construction of Facilities		C																										
<b>Chapter 23-10: Infrastructure</b>																													
<b>Article 23-10A: Austin Water Service</b>																													
48.1	Division 23-10A-1: General Provisions																												
48.2	Division 23-10A-2: Extension of Service, General Provisions																												
48.3	Division 23-10A-3: Extension of Service, Cost Participation																												
48.4	Division 23-10A-3: Extension of Service, Cost Participation			X							Jsc									Nonzoning		23-10A-3040 (D)		In many cases the City may deny cost participation due to lack of funding and will still require the developer to build out the new infrastructure or increase the pipe size to serve adjacent properties at the applicant's cost. By limiting it only to servicing the proposed property and proposed development on that site it will limit potential abuse of overreach by AWU.	Disagree with the comment. Based upon case law, if the City requires the oversizing of infrastructure it must pay its proportionate share of costs. If the City has no funds to pay for its proportionate share, it cannot require an oversizing of the infrastructure. It should be noted that the City may require a developer to upsze an existing line, but that would only	No			
48.5	Division 23-10A-4: Tap Permits																												
48.6	Division 23-10A-4: Tap Permits		X								Jsc									Nonzoning		23-10A-4080 Refund of Tap Permit Fee (B)	Strike "before the expiration date of the permit" because it should allow a request for a refund to be made at any time						
49	<b>Article 23-10B: Water Districts</b>																												
49.1	Division 23-10B-1: General Provisions																												

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		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE				
			X	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION					
A-49.1.1	Division 23-10C-1: General Provisions		X																			23-10C-1030 (C)	Funds may be disbursed as reasonably necessary to carry out the purposes; provided that a fee shall be expended within a reasonable period of time, not to exceed 10 years, from the date the fee is deposited into the account. In the event that a fee is not expended within 10 years of a deposit, it may be reimbursed to the payee.	This clarifies that a fee not used in 10 years may be refunded to the original payee. This should encourage the city to be diligent about expending the funds and performing the capital improvements.	No	Capital Recovery Fees are designated for growth-related projects in the City's service area and are not solely designated for a specific project. As such, Austin Water adjusts its capital spending plan annually to ensure the construction of the most critical growth-related projects. Additionally, Austin Water reassesses its impact fees every five years, in accordance with State law, to ensure that		
49.2	Division 23-10B-2: Procedure for Creation	C																										
49.3	Division 23-10B-3: Conditions and Restrictions on Consent to Creation of District	C																										
49.4	Division 23-10B-4: Out-of-District Service	C																										
49.5	Division 23-10B-5: Amendment to a Consent Document or an Agreement with a Water District	C																										
49.6	Division 23-10B-6: District Bond Issuance	C																										
50	<b>Article 23-10C: Water and Wastewater Capital Recovery Fees</b>																											
50.1	Division 23-10C-1: General Provisions																											
50.2	Division 23-10C-2: Fee Established		X																			23-10C-2050 (A)(1)	(A) Except as provided by Section 23-10C-2060 (Installment Payment Of Impact Fee), or by a contract with a wholesale customer or with another political subdivision, the impact fee due for new development shall be collected: (1) At the time the City of Austin approves a site-plan or building plan review; or	This ensures that the impact fee being paid is directly related to the unit that is performing the impact.	Yes	The deletion is acceptable.		
50.3	Division 23-10C-2: Fee Established																											
50.4	Division 23-10C-3: Determination of Service Units	C																										
50.5	Division 23-10C-4: Exemptions	C																										
50.6	Division 23-10C-5: Discounts and Adjustments	C																										
51	<b>Article 23-10D: Reclaimed Water</b>																											
51.1	Division 23-10D-1: Reclaimed Water	C																										
52	<b>Article 23-10E: Drainage</b>																											
52.1	Division 23-10E-1: General Provisions		X																			23-10E-1050 Obstruction of Waterways Prohibited	Unless authorized by a development application approved in compliance with Title 23, a person may not place, or cause to be placed, an obstruction in a waterway or drainage easement used for overland conveyance if the obstruction would cause impact to the conveyance of the waterway or drainage easement.	Clarifies that an easement may be obstructed, provided that the obstruction does not cause impact to the conveyance.	No	Obstructions to waterways are also a concern if they affect accessibility for maintenance.		
52.2	Division 23-10E-1: General Provisions																											
52.3	Division 23-10E-1: General Provisions		X																			23-10E-1060 Duty to Maintain Unobstructed Waterways	A waterway or other drainage infrastructure located within a City drainage easement of any type shall be maintained by the City of Austin. The person in control of real property traversed by a waterway or drainage easement is prohibited from obstructing the waterway or drainage easement in accordance with 23-10E-1050 and shall be responsible for alerting appropriate City Officials of any obstructions within the waterway or drainage easement promptly upon discovery. Removal of naturally occurring obstructions is the responsibility of the City of Austin. Removal of unauthorized, manmade obstructions within the waterway is the responsibility of the party responsible for placing the obstructions. must keep the waterway free from an obstruction that is not authorized by a development application approved under Title 23.	This clarification eliminates the instances where a property owner would be required to remove the obstruction in a City owned easement as a result of an obstruction (tree or tree branch, etc.) ending up there due to conveyance.	No	The person in control of real property traversed by a waterway must keep the waterway free from an obstruction that is not authorized by a development application approved under Title 23.		
A-52.3.1	Division 23-10E-3: 23-10E-3010 Criteria For Approval of Development Applications	X																			yes	23-10E-3010 (A)(5)(b)	MOTION: PC shall adopt section 23-10E-3010 as proposed in CN draft 3 (refer to exhibits: SHAW EXHIBIT WS-1, SHAW WS-2, and SHAW WS - 3.	(A)(5) (f) reduces the post-development peak flow rate of discharge to match the peak flow rate discharge for undeveloped conditions as prescribed on the Drainage Criteria Manual.		The addendum clarifies that this applies to site plans and subdivisions.		
	3020 - Certificate of Engineer Required for Certain Alterations and Improvements		X																			3020 -	DELETE: (b) Subsection (A) does not prohibit the director from accepting a plan or specification for a minor alteration or improvement that, in the judgment of the director, does not require certification by an engineer.	Director should not be allowed to circumvent State P.E. Rules.		Engineer is now defined in General Terms as "a person licensed to engage in the practice of engineering in the State of Texas."		
52.5	Division 23-10E-2: Drainage Studies; Erosion Hazard Analysis; Floodplain Delineation																											
52.6	Division 23-10C-2: Fee Established		X																			23-10C-2050 (A)(1)	(A) Except as provided by Section 23-10C-2060 (Installment Payment Of Impact Fee), or by a contract with a wholesale customer or with another political subdivision, the impact fee due for new development shall be collected: (1) At the time the City of Austin approves a site-plan or building plan review; or	This ensures that the impact fee being paid is directly related to the unit that is performing the impact.				
52.7	Division 23-10E-3: Standards for Approval																											





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				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION					
A-57.15.1	neighborhood plans																											
57.16	Division 23-13A-2: Land Uses																											
57.17	Division 23-13A-2: Land Uses	X		GA	FK				Jsc												23-13A-2030(C)				Cooperative Housing: A housing use operated by a cooperative (under Section 251.002 of Texas Business Organizations Code), or a nonprofit or other entity in which residents are entitled equal voting rights, and equal ownership shares if the cooperative sells shares.	Amend Language		
57.18	Division 23-13A-2: Land Uses	X			FK																23-13A-2030-A			ACCESSORY DWELLING UNIT 1. RESIDENTIAL. A subordinate dwelling unit added to, created within, or detached from a primary residential structure that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation for one or more persons and which is located on the same lot as the primary structure. A tiny home, Manufactured Home or Recreational Vehicle that does not have a motor may be used as a residential accessory dwelling unit. 2. COMMERCIAL. A subordinate dwelling unit added to, created within, or detached from a primary commercial structure that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation for one or more persons and which is located on the same lot as the primary structure.	Tiny homes provide simple options for families and should be allowed.			
57.19	High Opportunity Area																								High Opportunity Area (INACCURATE, POTENTIALLY OFFENSIVE). Please replace with "Qualifying area" and strengthen the definition to require an area to provide at least three or more of the listed conditions to qualify.	High Opportunity Area - a metric needs to be added to mandate how often this area will be redefined		
57.20	Multi-Unit																								Please add definition of <b>Multi-Unit</b> .	Please add definition of <b>Multi-Unit</b> . While Draft 3 still contains a few references to Multi-Family, it replaces this term with Multi-Unit throughout 23-4D. Please provide a definition for both terms.	No	not needed, multi-unit is not a use, it's a zone category
57.21	Affordable Housing																								Affordable Housing (INCOMPLETE). Please replace or augment current definition with: "See Article 23-3E: Affordable Housing."			
57.22	live/work & work/live	x																							remove work/live definition	this is redundant with the definition for live work. I don't see how this simplifies anything and I think it'll end up being subjective which is which.	No	all land uses shall be defined
A-57.22.1													Jsh												REINSTATE accessory apartment "USE" ALLOWED IN ALL R ZONES 23-4D-2030 LAND USE TABLE - ADD USE 23-4D-6050 ACCESSORY USES - ADD SECTION 23-13A-2030 LAND USES - ADD DEFINITION 25-2-901 - ACCESSORY APARTMENTS. A An accessory apartment is a separate dwelling unit that is contained within the principal structure of a single-family residence, and that is occupied by at least one person who is 60 years of age or older or physically disabled. B. If space within a principal structure is converted to an accessory apartment, the accessory apartment may not include: 1. converted garage space; or 2. a new entrance visible from a street. REMOVE SECTION C BELOW C. The building official may not issue a building permit for construction or remodeling of an accessory apartment unless the applicant delivers to the building official an affidavit verifying that one of the proposed occupants of the accessory apartment is 60 years of age or older or physically disabled.			
A-57.22.2													Jsh												Accessory Apartment Allowed Use - Reincorporated and allowed use. Internal to an existing home - adaptive reuse Internal to main house, <a href="http://www.plgrove.org/documents/faq-accessory-apartments.pdf">http://www.plgrove.org/documents/faq-accessory-apartments.pdf</a> Should firewall separation be required between the AA and the main dwelling? No. This is required for a duplex, but not normally required for Accessory apartments. It is a substantial cost that would need to be required for most existing situations that might cause difficulties for compliance. An accessory apartment is considered a part of the same home and structure, and normally the main dwelling unit is required to have access to it. proposed definition as refined over the years is:  Attached: A subordinate dwelling, which has its own eating, sleeping, and sanitation facilities, within or attached to a single family residential building; or Detached: Within a detached accessory structure associated with a single Family dwelling.  <a href="https://extension2.missouri.edu/gg14">https://extension2.missouri.edu/gg14</a> Mention costs to do an accessory apartment - very VERY affordable vs adu			
A-57.22.3	Designated Review Group	x																							Please add definition and details	Clearly define <b>Designated Review Group</b> . Draft 3 repeatedly references a "Designated Review Group," which it invests with significant authority, but fails to provide any definition, including how review group members will be selected and by whom, qualifications for membership, terms of service, and whether the group is subject to the Open Meetings Act. Please revise to provide clear standards for this group		

CHAPTER ARTICLE	DIVISION TITLE	A		B												C	D	E		F	G	H							
		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER												TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE					
				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION						
A-57.22.4																					missing defs	x			Please add definitions	let's discuss why these aren't included as definitions or uses in our new code?			
57.23		micro units, modular, mobile homes	x																		missing defs	x			Please add definitions	let's discuss why these aren't included as definitions or uses in our new code?	No	only define uses.	